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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General*

The General Assembly, at its fifty-fourth session, adopted resolution 54/76 on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, in which, among other matters, it requested the Special Committee:

(a) Pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

(b) To submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including Jerusalem;

(c) To continue to investigate the treatment of prisoners in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967.

* In accordance with General Assembly resolution 54/248, section C, paragraph 1, this report is being submitted on 11 September 2000 so as to include as much updated information as possible.

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The Special Committee, as in previous years, reports to the General Assembly through the Secretary-General.

The attached periodic report of the Special Committee covers the period from 21 August 1999 to 29 February 2000.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established by the General Assembly in its resolution 2443 of 19 December 1968.

2. The Committee is composed of three Member States appointed by the President of the General Assembly. The members of the Committee are presently: John de Saram, Permanent Representative of Sri Lanka to the United Nations (Chairman); Absa Claude Diallo, Permanent Representative of Senegal to the United Nations Office at Geneva; and Datuk Hasmy Agam, Permanent Representative of Malaysia to the United Nations.

3. The Committee held its fist session at the United Nations Office at Geneva from 16 to 17 March 2000, and among other matters considered and adopted its first periodic report to the General Assembly, covering the period 21 August 1999 to 29 February 2000.

4. The first periodic report of the Committee contains, as in previous years, a summary of articles appearing in the newspapers *Ha'aretz* and the *Jerusalem Post* published in Israel, with reference to the occupied territories, and articles appearing in the *Jerusalem Times* published in the occupied territories within the terms of reference of the Special Committee.

5. As in previous years, the present report is submitted to the General Assembly through the Secretary-General.

II. Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem

A. General introductory observation

6. The passages below are essentially summaries of newspaper reports in which certain references are maintained, as in past years, with a view to setting the context for the observations made.

B. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem

1. Restriction relating to land, housing and water

Land

7. On 4 September 1999, Prime Minister Ehud Barak and Palestinian Authority President Yasser Arafat signed in Sharm el-Sheikh an agreement for a timetable for implementation of the Wye River Memorandum, originally negotiated and signed late the previous year by Barak's predecessor, former Prime Minister Binyamin Netanyahu. By the end of the five-month process laid down in the new agreement, Palestinians would control 41 per cent of the West Bank. Jordanian King Abdullah II, Egyptian President Husni Mubarak and United States Secretary of State Madeleine Albright witnessed the signing ceremony. According to the new agreement, within a few days the Israel Defence Forces (IDF) were to redeploy from 7 per cent of the West Bank, transferring it from Israeli control (Area C) to Palestinian civilian control (Area B), and release 200 Palestinian security prisoners. Two more withdrawals were to take place on 15 November 1999 and 20 January 2000, and another batch of approximately 150 more security prisoners was to be released on 8 October 1999. According to the new agreement, within the coming weeks, negotiating teams would be established and would begin intensive talks on a final peace accord. The target date for reaching the final-status deal was set for 13 September 2000. On 15 November 1999, a 2 per cent transfer of West Bank territory was to be made from Area B to Area A (full Palestinian control) and 3 per cent was to be transferred from Area C to Area B. On 20 January 2000, a 1 per cent transfer was to take place from Area C to Area A and 5.1 per cent from Area B to Area A. The southern "safe passage" route was to be opened on 1 October, while construction of the Gaza seaport was to commence on the same day. (*Jerusalem Post*, *Ha'aretz*, 5 September)

8. On 10 September 1999, the first stage of Israeli redeployment in the West Bank under the Sharm el-Sheikh Memorandum was completed. Seven per cent of Area C was converted into the status of Area B, where Israel controls security and the Palestinians exercise civilian control. This brought the total area under Palestinian civilian or civilian-security control to

36 per cent of the West Bank (about 5,500 square kilometres). Meanwhile, meetings were to be held on 13 September, at the headquarters of the Civil Administration in Beit El, between Israeli and Palestinian Authority officers, during which 16 civil authorities were to be formally transferred to the Palestinians. IDF stated that the first stage of the redeployment had been relatively easy and had incurred few security implications, but that the coming stages, scheduled for October 1999 and January 2000, would be more complicated. They would involve handing over extensive areas of the West Bank to Palestinian security control and turning a few settlements into isolated enclaves accessible through a corridor that will remain under Israeli control. (*Ha'aretz*, 13 September)

9. On 21 September 1999, Palestinian Authority President Yasser Arafat stated that Israel had so far implemented the terms of the Sharm el-Sheikh Memorandum to the letter, and told reporters that the Israeli side had implemented the first phase precisely and well. He reiterated, however, that Palestinians were seeking a land-for-peace deal that would also guarantee the return of Palestinian refugees and lands that Israel had captured in 1967, including East Jerusalem. (*Jerusalem Post*, 22 September)

10. On 27 September, it was reported, according to Palestinian sources, that IDF had recently closed off 23,000 dunams of land belonging to the Arab villages of Beit Ula and Idna, west of Hebron. IDF, on the other hand, claimed that no new territories had been closed off, but rather that the recent closure orders were simply an update of previous closures in the wake of the recent redeployment. The territories in question were close to the Green Line and bordered the designated "safe passage" from Gaza to Tarkumiya. Despite the IDF explanation, experts in the Hebron municipality were standing by their opinion that the territories had only recently been closed. Approximately 200 families lived in the areas in question, making their living from agriculture and livestock. The orders and warnings which were delivered had given rise to fear among the inhabitants that all of them would be removed from the area. (*Ha'aretz*, 27 September)

11. On 21 November, Israeli and Palestinian negotiators failed again to reach a deal on the dispute pullback from 5 per cent of the West Bank. According to the Palestinian negotiators, the dispute focused on the principle of who would decide on the maps. (*Jerusalem Post*, 22 November)

12. On 19 December, it was reported that a meeting between Palestinian Authority President Yasser Arafat and Prime Minister Ehud Barak, scheduled for the same day, had been postponed. No official reason was given for the postponement. According to the *Jerusalem Post*, the first item on the agenda at the Arafat-Barak meeting when it took place was expected to be the matter of the 5 per cent withdrawal from the West Bank, which had been held up for over a month. Originally scheduled to take place on 15 November 1999, the Palestinians continued to reject the proposed redeployment, arguing that the lands they were to be given were barren and not contiguous. The Israeli Government, however, continue to maintain that, according to all the agreements signed, it was for Israel alone to decide on the location of the various withdrawals. (*Jerusalem Post*, 19 December)

13. On 4 January 2000, it was reported that the civil administration in the West Bank would lodge a complaint with the Palestinian Authority for seriously violating the Oslo Agreement by registering land in the Bethlehem region located in Area C, under complete Israeli control, and a small portion in Area B, under Palestinian civil control and Israeli security control. According to security officials, that was the first such incident. The civil administration spokesperson stated that complaints had been received from the Jewish National Fund and others claiming that a plot in Area C had been registered by the Palestinian Authority. According to the spokesperson, a Bethlehem resident had submitted forged documents to the Palestinian Authority office, claiming ownership, and the plot had subsequently been registered in his name. (*Ha'aretz*, *Jerusalem Post*, 4 January)

14. On 5 January, the IDF Central Command and the civil administration handed over 2 IDF bases in northern Samaria to the Palestinian Authority, implementing the second West Bank withdrawal from 5 per cent of the land in the area. Areas which had formerly encompassed four IDF bases were also handed over to the Palestinian landowners. In the coming days the IDF is said to have put up signposts indicating the entrances to Area A (under full Palestinian control) and Area B (under Palestinian civil control and Israeli security control) which had been given to the Palestinians. Most of the areas covered in the current withdrawal are in Nablus, Jenin and

Bethlehem, with 3 per cent in the Judea Desert designated (50,000 -dunams (12,500 -acre)). As a follow-up to this latest development and as an act of goodwill, the army commanders from both sides would conduct a joint patrol of areas now under Palestinian jurisdiction. The handover of civilian authority in these areas was to take place at the end of the current week after the end of Ramadan. (*Ha'aretz*, *Jerusalem Post*, 6 January)

15. On 16 January, it was reported that the next West Bank redeployment, scheduled for 21 January, would not take place at that time, according to an official from the Prime Minister's office. Israel is required by the Sharm el-Sheikh Memorandum to transfer to the Palestinian Authority 5.1 per cent of the West Bank land classified as "B" areas (Under Israeli security control) and 1 per cent of the "C" areas (under exclusive Israeli control). After the withdrawal these areas will become "A" areas under full Palestinian control. Israel made it clear that there would be no withdrawal from the Abu Dis area, on the outskirts of Jerusalem. (*Ha'aretz*, *Jerusalem Post*, 16 January)

Settlements

16. On 7 September, it was reported that the Government planned to reduce the budget of the World Zionist Organization's settlement department by almost 50 per cent. According to *Ha'aretz*, the settlements involved were outraged by the Government's plans. Spokespersons for the settlers stated that the decision would virtually wipe out the settlement section and dry up the settlements by halting immigration absorption, creating unemployment, cancelling complementary education programmes, halting the development of water sources and ending funding to establish social centres for youth and children. (*Ha'aretz*, 7 September)

17. On 14 September, a day after the launching of Israeli-Palestinian permanent status talks, Prime Minister Ehud Barak pledged to strengthen the settlement of Ma'aleh Adumim. "We, the new Government, will continue to strengthen the State of Israel and its hold on the land of Israel and we will continue to strengthen Ma'aleh Adumim", Barak told residents. Referring to housing under construction in the town of 25,000, across the Green Line, he said: "Every house that is being built is part of the State of Israel forever, period." Meanwhile, the Peace Now movement accused the Government of increasing the average rate of tenders for settlement housing units fivefold. According to Peace Now, Housing and Construction Minister Yitzhak Levy (National Religious Party) had approved the issue of 2,604 tenders for homes in settlements since the government took office on 7 July. "Barak is not stopping Levy", said Moshe Raz, Peace Now Chairman. (*Jerusalem Post*, *Ha'aretz*, 15 September)

18. On 16 September, it was reported that West Bank Jewish settlers had begun to create facts on State-owned land. According to the *Jerusalem Post*, settlers from Kedumim, Karnei Shomron and Shavei Shomron had begun implementing plans to maintain a physical presence in a 5,000-dunam (1,250 acre) area, including building hilltop encampments and patrolling the road. "We are talking about protecting 3,000 dunams of State land and 2,000 dunams of private land that has already been purchased and paid for", said Kedumim Local Council head Daniella Weiss. The Council of Jewish Communities in Judea, Samaria and Gaza said it did not support these actions. Meanwhile, chief Palestinian negotiator Mahmoud Abass said that any permanent peace agreement must include a "complete evacuation of Jewish settlements from the West Bank and Gaza. The Palestinians and international community consider settlements illegal; therefore settlements should be evacuated completely. This also applies to settlements in Jerusalem." (*Jerusalem Post*, 16 September).

19. On 26 September, it was reported that the Peace Now movement had charged that the Government was encouraging Jewish settlement on the West Bank by awarding tenders for nearly 2,600 housing units. Movement leaders said they would demand that Prime Minister Barak remove all the illegal hilltop encampments established since the signing of the Wye River Memorandum and that he cancel all housing construction tenders for settlements published since the Government had come to power. Peace Now said the tenders, awarded by the Ministry of Construction and Housing since Barak had taken office in July, were more than had been awarded during Binyamin Netanyahu's three years as Prime Minister. The tenders were for 461 units in Ma'aleh Adumim, 1,089 in Betar Illit, 594 in Givat Ze'ev, 10 in Otniel, 12 in Kiryat Arba, 178 in Karnei Shomron and 185 in Har Adar. Palestinian Authority President Yasser Arafat, asked in Gaza about the latest settlement activity, told reporters: "We will inform the whole world that it is destructive to peace." Housing Minister Yitzhak Levy of the National Religious Party said the granting of permits

was in keeping with government policy. "We joined this Government on the basis of [its] basic guidelines. The basic guidelines do not mention any freezing of construction", he told Israel Radio. (*Jerusalem Post*, 27 September)

20. On 29 September, it was reported that Palestinian Authority officials were outraged at reports by the Peace Now movement that Israel had decided to issue 2,600 tenders for homes in the West Bank settlements. Palestinian negotiator Saeb Erekat told the *Jerusalem Post* that it was surprising that Israel had issued the tenders and closed off thousands of dunams of Palestinian land for security reasons, after the two sides had just signed the Sharm el-Sheikh Memorandum and begun final-status talks which would determine the fate of the settlements. Erekat said that he had written a letter in protest and sent it to the Israeli and United States administrations, the United Nations Coordinator and others. (*Jerusalem Post*, 29 September)

21. On 6 October, Prime Minister Barak stated for the first time that he would review all the illegal building activity in the West Bank settlements since the call for new elections, 10 months before. "Whatever is found to be unlawful will be treated accordingly, Barak stated, and added that "we will not let anyone dictate to us by his own will what the shape of the settlement will be". Barak was speaking in response to the criticism of his Government over the past few days by a number of Palestinian Authority officials, including Palestinian Authority President Yasser Arafat. Barak noted that the tenders granted by the Housing Ministry since July had been approved long before he had taken office and that most of them were situated around Jerusalem in a large settlement block. (*Jerusalem Post*, 7 October)

22. On 7 October, the Peace Now movement revealed that since the new Government had taken office, 106 mobile homes had been added to the 41 West Bank outposts seized by settlers following the Wye River Memorandum. According to Peace Now Secretary General Mussi Raz, there were 544 structures, including mobile homes, wooden shacks and converted shipping containers, on the 41 hilltop outposts erected by settlers at the instigation of the previous Government immediately following the signing of the Wye River Memorandum in 1998 by Prime Minister Netanyahu. A spokesperson for the Civil Administration stated that the majority of the encampments were within their overall planning schemes. (*Ha'aretz, Jerusalem Post*, 8 October)

23. On 11 October, it was reported that Prime Minister Ehud Barak was to decide soon the fate of 42 encampments in the settlements whose legality was in question and that some were likely to be dismantled. The ministerial committee on settlements established as part of the coalition agreements had convened for the first time the previous day and had empowered Barak to decide on the encampments, which had been set up after the Wye River Memorandum and following failure to reach agreement on the issue. (*Jerusalem Post, Ha'aretz*, 11 October)

24. On 12 October, Prime Minister Barak informed the leaders of the Yesha Council of Jewish Settlements in the West Bank and Gaza that he intended to order the evacuation of 15 outposts in the West Bank. Barak's decision had been based on recommendations of the defence establishment. "I consider settlement activity in the West Bank, which was always conducted at the behest and with the authorization of the Government, very important. But I think the law is of the utmost importance. This will come as no surprise to you. I said during the election that I would examine the situation regarding the outposts", Barak told the settlers. The defence establishment had recommended that Barak dismantle 15 of 42 outposts created by settlers in the West Bank since the Wye River Memorandum was signed. According to the defence establishment 7 of the outposts were illegal, 27 had received only partial authorization and only 8 had all the necessary approvals. The seven illegal outposts were: Horsha, Maon, Shuna, Outpost 779 (Shvut Rachel Vav), Outpost 904, Magen David and Outpost 5152. According to the defence establishment's recommendations: "Fifteen outposts will be dismantled — the 7 illegal ones and 8 others known as the 'Zelikovitch outposts'." These, including the "Gidonim" outposts east of Itamar, were never authorized by former Defence Minister Moshe Arens. (*Jerusalem Post, Ha'aretz*, 13 October)

25. On 14 October, it was reported that Prime Minister Barak and the leaders of the Yesha Council of Jewish Settlements had reached an agreement on the evacuation of the "settlement outposts" that had been established in the West Bank illegally. According to *Ha'aretz*, under the terms of the agreement, the number of encampments slated for dismantlement/complete evacuation had been reduced from 15 to 10: Havat Maon, Mitpeh Shuna, Givat Hahyal, Shvut Rachel 8, Mitzpe Kramim, Neve Erez, Mitzpe Hagit, Area 15,

Area 25 and Givat Hayovel. It was also reported that according to that agreement, the residents of the Magen David outpost would leave and the area would become pasture land. At Tzofit, the settlers would leave and the students of military preparatory academy would remain until the end of the academic year, at which time the future of the site would be reopened for discussion. Barak agreed to freeze the situation in 3 of the 15 outposts he had decided to remove: Mitzpe Dani, Har Horsha and site 779 (Shvut Rachel 6). It was reported that the settlers at Havat Maon, south of Hebron, where a settler had been killed in an incident involving Palestinian shepherds a year earlier, had vowed to "dig in" and resist any attempt to evacuate them. (*Ha'aretz, Jerusalem Post*, 14 October)

26. On 15 October, it was reported that settler leaders stressed that only one encampment, Neveh Kremim near Kochav Hashahr, was being dismantled, and two others temporarily, out of the total of 42 illegal encampments established since the signing of the Wye River Memorandum. According to settler leaders, the other sites were either industrial land or were without buildings or sites used for grazing, with only water towers, trailers or similar structures. The settlers stated that Mitzpe Hagit and Neveh Erez, near Ma'aleh Michmash, would be temporarily dismantled until all the necessary permits were authorized, and then residents would be allowed to return. Five encampments of the 15 originally slated for removal would remain intact, while the remaining 27 of the 42 encampments would remain as they were, settlers said. Yasser Abed Rabbo, the chief Palestinian Authority negotiator for final status talks, stated that the agreement with the settlers "legitimized theft by force". He said that the Government's agreement with the settlers council had set a "dangerous precedent". The compromise left 32 of the 42 settlement encampments in place, while making the Council responsible for evacuating the others. (*Ha'aretz, Jerusalem Post*, 15 and 17 October)

27. On 19 October, the Council ("Yesha") of Judea, Samaria and Gaza dismantled the first outpost slated for evacuation in its agreement with the Government of Prime Minister Barak, Hill 827 (Shvut Rachel 7). The evacuation was carried out after the failure of an attempt to evacuate Hill 804 (Shvut Rachel 2), north of Ramallah, which had been scheduled to be dismantled first. The Yesha issued a statement saying that only a water tower had been dismantled and that the hilltop had been cleared "in accordance with its obligations". It did not specify when the other encampments would be removed. By the end of the week, settlers were expected to dismantle encampments at Shvut Rachel, Hirbat a Shoona near Eli, and site 26 and Plots 51 and 52 near Kiryat Arba. The evacuation of all 12 encampments, Government officials said, was expected to be completed in the coming week. (*Ha'aretz, Jerusalem Post*, 20 October)

28. On 20 October, the unpopulated outpost of Hirbet Shouna near the West Bank settlement of Eli was evacuated without incident, according to the agreement between Prime Minister Barak and the West Bank Settlers Council. However, it was reported that "Dor Himshech", a recently formed militant settlers group established to oppose the evacuation of the outposts, had succeeded in disrupting other planned evacuations, including an attempt to evacuate Hill 804 near Shvut Rachel two days earlier. In further escalation of its anti-evacuation campaign, Dor Himshech had organized a Torah dedication ceremony and erected a wooden synagogue at Havat Maon, another outpost on the evacuation list. The ceremony was attended by some 1,000 people, among them several right-wing political and spiritual leaders. (*Ha'aretz, Jerusalem Post*, 21 October)

29. On 21 October, the Council of Jewish Communities in the West Bank and Gaza stated that six of the settlement outposts slated for dismantlement, the ones that were not regularly inhabited, had been taken down. It was reported that the Council hoped to complete the dismantling of the other designated settlement encampments within two weeks, but Council members stressed that that depended on how quickly alternative housing arrangements could be made for the residents. (*Ha'aretz, Jerusalem Post*, 22 October)

30. On 24 October, it was reported that an IDF proposal for the reinforcement of West Bank settlements estimated the cost at 140 million new shekels. The plan was a result of evaluations made following the Sharm el-Sheikh Memorandum, but the required funding was yet to be approved. It included improvement to the security capabilities of the 40 settlements as well as other safeguards. In addition, fortification of 19 settlements in the West Bank and the Jordan Valley was continuing. IDF had already been allocated NIS 39 million to reinforce settlements that would now be closer to Area A following the

implementation of the agreement. (*Ha'aretz*, 24 October)

31. On 27 October, it was reported that a new ultra-Orthodox town was under construction across the Green Line near the settlement of Alei Zahav in Samaria, about 10 km east of Rosh Ha'ayin. Chabad Illit, alternately known as Ali Zahav West, would comprise 200 housing units in its first stage. The plan for the area had been approved by Deputy Housing Minister Meir Porush and included 700 housing units to be built over five years. Sale of the homes in the new neighbourhood had begun five months earlier, a short time after the cornerstone had been laid. At the time of the report, 24 units were already in an advanced stage of construction and another 176 were in the initial stages. The neighbourhood would include schools, synagogues and ritual baths. Housing Minister Yitzhak Levy toured the area of western Samaria and welcomed the initiative to build the ultra-Orthodox neighbourhood. (*Ha'aretz*, 27 October)

32. On 27 October, it was reported that some NIS 10 million in funding to boost security in the settlements had been approved by the Knesset defence budget subcommittee. The largest investment approval, NIS 1 million, was to be spent on building a security wall for Kfar Darom in Gaza. The total amount approved for Gaza was NIS 2.165 million. Some NIS 500,000 was to be spent on an access road for Givat Harsina, near Kiryat Arba. (*Jerusalem Post*, 27 October)

33. On 28 October, it was reported that the IDF redeployment for the logistic implementation of Sharm el-Sheikh Memorandum, in the framework of the Wye River Memorandum, would be completed by 15 November. According to the agreement, six army camps would be evacuated. Thirteen permanent camps had been built to accommodate the redeployment. IDF was still working on the new camp in the Shaked Forest, after the High Court of Justice had rejected an appeal regarding the safe passage between the Erez junction and Turkuminya. The overall budget for evacuating old bases and building new ones was about NIS 300 million. (*Ha'aretz*, *Jerusalem Post*, 28 October)

34. On 3 November, Prime Minister Barak set a deadline for the evacuation of four small outposts in the West Bank, telling the security cabinet that if it was not done voluntarily by the weekend, he would order IDF to do it by force. The four sites, inhabited by a handful of people, were among 12 outposts Barak had ordered evacuated 10 days earlier, as a part of a compromise with the settlers. Security officials stated that IDF had already been given orders to dismantle the encampments on 7 November if the settlers failed to do so. Education Minister Yossi Sarid called for stricter supervision of the dismantling of encampments: "I am not sure anyone has a clear picture of what is happening", he stated. Sarid was responding to reports that the settlers had dismantled two trailers and removed two families and a bachelor from Mitzpe Hagit, but new trailers were set up on a site near Hilltop 777, at Itamar and Mitzpe Kramim near Kochav Hashahar, two of the encampments scheduled for removal. (*Ha'aretz*, *Jerusalem Post*, 4 November).

35. On 7 November, the High Court of Justice rejected a petition by a Palestinian human rights organization which had sought a ruling that would declare illegal a new outline plan for the expansion of the Ma'aleh Adumim settlement which included additional land which ought to have been allocated for the needs of the local Palestinian population. All three judges on the panel wrote brief opinions unanimously rejecting the petition, saying that the subject was strictly one of policy and fell under the exclusive purview of the Government, with the court unable to intervene. Ehab Abu Ghosh, head of the Jerusalem Legal Centre, which had submitted the petition, charged that the expansion of Ma'aleh Adumim violated international law and exceeded the criteria accepted by the High Court for expanding settlements in the West Bank, namely, the natural needs of those actually living in the settlements. According to the petition, the expansion of Ma'aleh Adumim and the designation of land use encompassed in the outline plan dovetailed with the unofficial Metropolitan Jerusalem Master Plan and Development Plan prepared by the Jerusalem Institute for Israel Studies. Instead of providing for the needs of the territories' indigenous population, the outline plan provided land-use solutions meant to satisfy the residential, commercial and tourism needs of the Jewish population of Jerusalem. The human rights organization B'Tselem called the High Court decision a judicial seal of approval for government policy that validated a serious violation of human rights of tens of thousands of Palestinians residing in the villages around the settlement of Ma'aleh Adumim. "[The verdict validates] the annexation of occupied territories, the expropriation of land, discrimination, expulsion, the

restrictions on freedom of movement, and more." (*Jerusalem Post, Ha'aretz*, 8 November)

36. On 8 November, it was reported that, according to a document distributed by the Jewish Settler Council, the land of the West Bank outposts that had been evacuated "will, in practice, continue to be under the control of the settlements" and could be used for "agriculture and other activity, as the restriction applies solely to residence". The document, disseminated in the settlements in the wake of the "outpost agreement" between the Council and the Barak Government, listed eight categories laid down for the 42 outposts in the West Bank, as follows: category 1: 8 legal outpost; category 2: 7 legal outposts which would receive final authorization for building immediately after the licensing procedures were completed; category 3: 13 "frozen" outposts; category 4: four outposts that were supposed to have been evacuated but which remained intact; category 5: 3 unmanned outpost from which the facilities at the site would be removed; category 6: 2 empty sites where a Jewish presence had been planned but would now not be implemented; category 7: 3 outposts to be removed to nearby sites; category 8: 2 outposts to be evacuated by the time the planning procedures were concluded. (*Ha'aretz*, 8 November)

37. On 9 November, Peace Now protested against issuing of construction tenders for 14 housing units in West Bank settlements. The movement stated that, since the convening of the Ministerial Committee on Settlement Affairs, tenders for a total of 55 housing units in the West Bank and Gaza settlements had been issued. The movement charged that settlement construction was taking place outside the authorized settlement blocs to which the Government has referred in the preparation for final-status negotiations. (*Jerusalem Post*, 5 November)

38. On 10 November, IDF soldiers and security forces completed the evacuation of the Maon Farm south-east of Hebron. By the afternoon it was reported that the Civil Administration had dismantled the temporary housing, destroyed the permanent structures and transferred personal belongings, furniture and equipment to the settlement of Maon. The settlers, meanwhile, had vowed to return and rebuild the farm. The troops and the police had encountered mainly passive resistance from the settlers during the pre-dawn operation. Of hundreds evacuated, police had arrested 47 people; 20 were released after questioning and 27 were released under certain restrictions. According to reporters, one of the most difficult things for media and security forces during the evacuation was to witness the way parents had placed their young children and babies in the forefront of the action. (*Jerusalem Post, Ha'aretz*, 11 November)

39. On 14 November, it was reported that five Palestinians had been injured after being beaten by dozens of settlers in a scuffle near the evacuated outpost of Havat Maon. The settlers, many of whom had been forcibly removed from the area, were at that time hiding out in caves in the area surrounding. IDF personnel had succeeded in removing many of the settlers, arresting eight in the process. Many more succeeded in hiding in the numerous natural caves found in the area, however. (*Ha'aretz, Jerusalem Post*, 14 November)

40. On 16 November, Civil Administration officials and IDF forces dismantled several tents belonging to Palestinian residents from nearby Yatta village which had been erected near the Havat Maon Farm and allegedly inside an IDF firing zone. A civil Administration spokesperson said the tents were set up by the villagers every season while they worked the field, but all had houses in the village. Meanwhile seeking to assist the four families evicted from the Havat Maon Farm, the right-wing movement Women in Green organized a so-called "Zionist response" and established a bank account to send in donations for them. In a related development, Peace Now declared that since the elections, the Government had published building tenders for the construction of 2,703 housing units in the West Bank and Gaza Strip and that, since the appointment of the Special Ministerial Committee on Settlements, tenders had been issued for 109 housing units. The latest tender had been issued a few days before, for the building of 54 housing units in Ariel, the Movement stated. (*Jerusalem Post*, 17 November)

41. On 28 November, Peace Now called for the immediate expulsion of the Jewish families in Hebron, after it learned of the settlers' plans to construct a new neighbourhood on an army base situated in Hebron. Military sources denied that the army had allowed the settlers to live there permanently, despite claims by the settlers to the contrary. *Ha'aretz* learned that students from the nearby Yeshiva had been living at the base for a number of years. The total number of students had never exceeded 20 and the move had been permitted

only because the Yeshiva had been undergoing renovation. (*Ha'aretz, Jerusalem Post*, 29 November)

42. On 29 November, in a letter protesting Israel's settlements policy and plans to expand Efrat, Palestinian chief negotiator Yasser Abed Rabbo warned that settlement expansion would endanger the peace process and create a crisis in the final-status talks. He accused Israel of planning to build 1,026 new homes in Efrat. Settler leaders claimed that the construction had been approved by the Rabin Government. They added that the new construction figure referred to by the Palestinians was totally inaccurate. (*Jerusalem Post*, 30 November)

43. On 1 December, it was reported that a group of 30 "Next Generation" activists had been forcibly removed by police and security forces from the hilltop of Nokdanim near Tekeo the previous day. It was the second time in a week that the group had attempted to establish an encampment at the site. In related news, it was reported that the Government was planning to dismantle an outpost not included in the original agreement between Prime Minister Barak and the Council of Settlements in Judea, Samaria and Gaza. The outpost, Zeit Ra'anan, was some 400 metres north of another settlement called Talmon, and consisted of one caravan and was unmanned. The State had expressed its intention to dismantle the outpost in a response to a petition presented by the Peace Now movement to the High Court of Justice during Binyamin Netanyahu's term of office. In the original petition, Peace Now had demanded the removal of nine outposts. The State, however, had asked the Court to reject the Peace Now group's petition because of the October agreement signed between the settlers and Prime Minister Barak. (*Ha'aretz, Jerusalem Post*, 1 December)

44. On 5 December, it was reported that the Housing Ministry had announced the issuance of tenders for the construction of some 500 homes in the settlements, specifically, for the construction of 177 housing units in Geva-Binyamin and 316 in alfei Menashe. According to the *Jerusalem Post*, Israeli government officials had tried to distance themselves from such building plans, saying that they were all projects approved under previous Governments. Peace Now stated that this latest round of tenders had raised the number of bids released under Barak's five-month tenure to 3,196, which already exceeded the yearly average of bids released by the Netanyahu Government. (*Ha'aretz, Jerusalem Post*, 6 December)

45. On 7 December, the Palestinian Authority refused to continue negotiations on the final-status talks until Israel agreed to freeze all settlement activities. "We were not able to hold a meeting today to discuss the agreed agenda because of the issue of the settlements", chief Palestinian negotiator Yasser Abed Rabbo told reporters in Ramallah after meeting his Israeli counterpart Oded Eran. Diplomatic sources in Jerusalem stated that the crisis was an artificial one created by the Palestinians in advance of United States Secretary of State Madeleine Albright's visit to the region. The Palestinian Authority and the Peace Now movement had criticized Barak for recent tenders to build 3,196 new houses in settlements since taking office in July, more than his predecessor Binyamin Netanyahu had issued in an average year. In related news, it was reported that Meretz (the main left-wing party in the current coalition) had threatened to "reassess its partnership" in the coalition if the Government continued its policies of settlement expansion and expropriations, deportation and home demolition against Palestinians. Housing Minister and National Religious Party leader Yitzhak Levy said that the construction in the settlements was being carried out according to government guidelines, in coordination with Barak. "Everything being built now is close to the Green Line", Levy's spokesperson stated. (*Ha'aretz, Jerusalem Post*, 7 December)

46. On 27 December, it was reported that Deputy Defence Minister Ephraim Sneh had blasted a Peace Now report claiming that the Civil Administration had approved building plans for 2,757 housing units in the West Bank and Gaza settlements and that an additional 2,139 housing units had been submitted for approval since October 1999. Sneh told Israel Radio that the permits were worthless as they required his approval. "Plans submitted were not authorized, as we are in the midst of negotiations", he said, adding that none of the plans mentioned in the report had reached him. Peace Now claimed that the report had referred to approved building permits between 15 October and 13 December. The building permits related to plans in six different settlements. During the same period, 2,139 plans had been submitted for approval in 5 settlements, including Kfar Adumim and others. In addition, the movement claimed that approval had been given to set up 85 caravans in encampments dismantled by Prime

Minister Barak. (*Ha'aretz, Jerusalem Post*, 28 December)

47. On 17 January, it was reported that Jerusalem city hall's chief engineer, had instructed the architectural firm that had won a tender for planning a Jewish housing complex in Abu Dis to speed up the planning. The move came as the Palestinian Authority sought to win an Israeli decision to turn the 90 per cent of the village in Area B, under joint Israeli-Palestinian control, into Area A as part of the upcoming withdrawal. The Palestinian Authority planned Abu Dis as its seat of government in a final status agreement that would give the Palestinians access to Jerusalem. The Palestinian Authority had constructed a still-unused parliament building. (*Ha'aretz*, 17 January)

48. On 16 February, it was reported that only a small percentage of West Bank land claimed for settlement purposes was currently being utilized, according to figures released by the Peace Now two days earlier. According to the Peace Now report, actually utilized settlement land on the West Bank amounted to 78,786 dunams. The lands included residential areas in the settlements, industrial and commercial zones, greenhouses and areas set aside for development purposes. The Peace Now estimate did not include unused land under settlement jurisdiction or under control by order of the IDF Central Command. The total settlement area was far larger than the lands currently under use. Peace Now had repeatedly requested State authorities to supply data about land areas under actual use by settlers, but those requests had gone unanswered. Its current estimation was based on satellite photographs it had taken in March 1999. At the end of the month, a proceeding in Jerusalem's District Court would examine Peace Now's claim that it had the right to be given such information under the Freedom of Information Law. Peace Now's report also ranked the settlements in terms of size, disclosing that Ma'aleh Adumim (3,405 dunams) was the largest, followed by Ariel (2,903 dunams), Giva't Ze'ev (1,935) and Efrat (1,509). According to the report, Ma'aleh Adumim had some 50,000 dunams under its jurisdiction, an area 16 times larger than its utilized land. (*Ha'aretz*, 16 February)

49. On 21 February 2000, it was reported that according to figures released by the Council for Jewish Communities in Judea, Samaria and Gaza, the Jewish population in the settlements beyond the Green Line had grown in 1999 by 12.5 per cent, the highest growth rate recorded in recent years. In December 1999, the Jewish population in the settlements had numbered 193,680, according to the figures. The rate of growth was based on a comparison between the number of people in Jewish communities beyond the Green Line in December 1998, according to Central Bureau of Statistics figures, and the number in December 1999 according to the Council figures. About 66,500 people, about 30 per cent of the Jewish settlers, lived in the greater Jerusalem area, comprising Ma'aleh Adumim, Giva't Ze'ev, Betar Elite, Har Adar, Afrat and most of the Etzion block, areas that were expected to remain under Israeli rule after the final status agreement. The impressive rise in 1999 (12.5 per cent) was attributed to relatively extensive construction permitted by the Netanyahu Government in the last two years and the rapid occupation of apartments in the past year. The relevant figures are as follows:

Settlement	*Central Bureau of Statistics figures December 1998*	*Council of Jewish Communities figures December 1999*	*Growth per capita*	*Growth in percentage*
Oranit	4 490	4 800	310	6.9
Alfe-Minashi	4 360	4 900	640	12.4
Alkanah	2 920	3 300	380	13
Efrat	6 120	6 600	480	7.8
Ariel	14 400	16 100	1 700	11.8
Beit El	3 670	4 000	430	12
Beit Arieh	2 230	2 500	270	12.1
Beit Elite	11 300	13 500	2 200	19.4
Binyamin	23 200	25 050	1 850	8

Settlement	*Central Bureau of Statistics figures December 1998*	*Council of Jewish Communities figures December 1999*	*Growth per capita*	*Growth in percentage*
Bikat Yardin	2 900	3 400	500	17.2
Giva'at Ze'ev	9 720	10 500	780	8
Gosh Etzion	8 100	9 200	1 100	13.5
Har Adar	1 380	1 500	120	8.7
Har Hebron	3 800	4 500	700	18.4
Hebron	480	480	-	-
Kiryat Arba	5 710	5 900	190	3.3
Hof Gaza	6 100	6 600	500	8.2
Ma'aleh Adumim	22 200	25 200	3 000	13.5
Maleh Ephrai	1 430	1 700	270	18.9
Emanuel	3 290	3 900	610	18.5
Kdomim	2 400	3 000	600	25
Kiryat Sefer	10 500	13 000	2 500	23.8
Karn Shomron	5 370	6 000	630	11.7
Shomron	15 400	17 150	1 750	11.4
Migelot	800	900	100	12.5
Total	**172 170**	**193 680**	**21 510**	**12.5**

50. On 28 February 2000, IDF, the Israel Police and Civil Administration personnel evicted six Palestinian Beduin families who had returned to dwell in the firing zone near the Havat Maon Farm site. Security forces detained two Palestinians who had resisted attempts to oust them from the site. The IDF spokesperson said the Beduins, all residents of Yatta, had in recent days returned to their cave dwellings despite the fact that the area has been declared a closed military zone. They had been evicted from the site in November 1999, but the previous week Deputy Minister Ephraim Sneh had said they were permitted to work the land and graze livestock in the area but forbidden to dwell there permanently. During the previous month, Prime Minister Barak had asked Sneh to review the issue after receiving a request from Agriculture Minister Haim Oron to allow the families to return. (*Jerusalem Post*, 29 February)

Roads

51. On 21 November 1999, it was reported that, despite Palestinian protests, Israel was hoping to complete a four-lane road and terminal between Jerusalem and the entrance to Bethlehem by 22 December, with the aim of alleviating the severe traffic congestion prior to the influx of tourists expected for the millennium celebration. The Palestinians charged that the site would become another Erez checkpoint and had refused to cooperate with the Israeli officials. (*Jerusalem Post*, 22 November)

Housing

52. On 27 August, it was reported that Shlomo Ben-Ami, Israeli Minister of Internal Security, was advocating the "large-scale legitimization of illegal dwellings, on the condition that they be integrated into development plans and, in certain cases, that the owners pay fines for violating the law". The minister's proposal was contained in a written reply, dated 12 August, to Adam Killer, spokesperson for Gush Shalom movement. Ben-Ami, who had established a joint committee with Justice Minister Yossi Beilin to seek solutions to the problem of illegal dwellings, wrote: "I am opposed with every ounce of my being to the destruction of houses, and I believe that the practice can be halted and a solution found". (*Ha'aretz*, 27 August)

53. On 2 September, the Supreme Court rejected the appeal of Elad, a Jewish housing organization, saying it had no rights to a building it had rented in 1991 from the Amidar housing company in the Silwan neighbourhood of Jerusalem. The rejection was based on the false claim that the building's Palestinian owners had moved to an Arab country. Part of the building, belonging to the children of Ahmed Abassi, who had died in 1980, had been taken over by members of Elad in the middle of the night in 1991 under police protection. Amidar had rented the apartment to Elad after the Supervisor of Absentee Property had accepted an affidavit saying that all of Abassi's 12 children had left Jerusalem and moved to Arab countries. The estate and some of the children had instituted an action in the Jerusalem District Court for a declaration that they enjoyed owners' rights over the property and that any transaction affecting it carried out by others was invalid. The court found that in fact five of the children were not absentees and ruled that the declaration of the Supervisor of Absentee Property and the sale of the rights were tainted by extreme lack of good faith. The Justices of the Supreme Court upheld the lower court's decision. (*Ha'aretz*, *Jerusalem Post*, 3 September)

54. On 25 October, the home of three families, numbering 18 people, in the East Jerusalem village of Beit Hanina was demolished under an Interior Ministry directive. The action came despite an agreement between the Jerusalem municipality and the Beit Hanina administration, according to which no new illegal structures would be built and no existing building would be demolished. The municipality said the Jerusalem district of the Interior Ministry had halted cooperation over illegal construction in the eastern part of the city. Although Interior Security Minister Shlomo Ben-Ami was said to oppose such home demolitions, he authorized the above-mentioned destruction. The three families had moved into a tent near the site of their former home. The owner of the house said he had been warned by police that his home would be demolished but had obtained an order against it. Since Prime Minister Barak had taken office, four Palestinian homes had been razed. (*Ha'aretz*, 26 October)

55. On 23 November, it was reported that Israeli bulldozers, backed by a large number of soldiers and police officers, had entered Essawieh village in East Jerusalem and demolished two houses. Eighteen members of a family had been living in one of the demolished houses, while the other was still being rebuilt after being bulldozed by the authorities earlier in the month. An official of the Jerusalem municipality, which had ordered the demolitions, said that the buildings had been built without permits: "One house ... was built on land which will be used for public purposes and the other was under construction", she said. (*Ha'aretz*, *Jerusalem Post*, 24 November)

56. On 30 December, it was reported that Amnesty International had published a very critical report describing the Israeli policy towards the citizens of the occupied territories, especially the regulations on demolition of houses and land confiscation. According to the report, the number of demolitions per year had not fallen since the 1993 Declaration of Principles. To the contrary, although the number of Palestinians under direct Israeli control was currently only one eighth what it had been previously, the average number of house demolitions per year (226) had even shown a slight increase. According to the Amnesty report, since 1987 the Israeli authorities had demolished at least 2,650 Palestinian homes in the West Bank, including East Jerusalem, because they did not have a "building permit". However, Palestinians were denied the opportunity to build legally owing to the Israeli policy of land confiscation from private Palestinian ownership, which was then used exclusively for Israeli development. The report also underlined the emotional consequences for the individuals and families whose homes had been demolished. There was no advance warning of the time and the date of a demolition; the bulldozers arrived accompanied by scores of soldiers armed with batons and guns. The family might only have 15 minutes to remove what belongings they had before the furniture was thrown into the street and their home was bulldozed. (*Ha'aretz*, 30 December)

57. On 2 February 2000, Jerusalem municipality bulldozers demolished an Isawiyah house for having been built illegally. According to the *Jerusalem Post*, the action fuelled resistance among neighbourhood residents. The demolition had been carried out shortly before Israeli and Palestinian negotiators had met in Jerusalem for final-status talks on Jerusalem and other issues. A neighbour who had witnessed the demolition from her porch said that two bulldozers accompanied by a large number of border police had turned the house into a mass of twisted metal and concrete. The house had belonged to Abdel Razak Sheikh Omar, who had rebuilt the house after it had been demolished

earlier. According to Darwish, chairman of the Isawiyah Development Committee, 20 per cent of the houses in Isawiyah did not have permits. A Jerusalem municipality official said that "this was a house without people, it belonged to a man whose house was demolished two years ago. He rebuilt it again without permission." However, Sheikh Omar said that he, his wife and six children had been living in the house up until the demolition. Asked whether Prime Minister Barak supported demolitions, his office said: "The Prime Minister supports the enforcement of the law in all places". Sheik Omar said he could no longer afford to rent a house in Jerusalem, and if he left Jerusalem for a West Bank town, his family would lose its residency rights. "My wife will lose her health fund coverage and she will not be able to continue her dialysis", he said. Darwish said that the borders in the existing municipal plan of Isawiyah needed to be expanded to take into account rapid population growth in recent years. A new plan also needed to allow for building in areas currently zoned for public use, a process that would make the house in Sheikh Omar's area legal, he said. (*Jerusalem Post*, 2 February)

58. On 25 February, it was reported that senior politicians had instructed the Jerusalem Municipality not to demolish Palestinian houses in the east side of the city prior to Pope John Paul's visit to Israel on 21 March 2000. The freeze was planned to take effect on 1 March 2000. However, a Jerusalem municipal spokesperson told *Ha'aretz* that the city did not recognize any agreement to halt demolitions of illegal houses for the papal visit, or for any other occasion. (*Ha'aretz*, 25 February).

Water

59. On 7 November, it was reported that the National Security Council, in a set of recommendations to Prime Minister Barak, had stated that Israel should refrain from making a permanent division of water resource with the Palestinians in the final settlement and should agree to joint management of West Bank's water sources only after a lengthy period. During the proposed interim period, Israel would continue to control the major groundwater reservoir in the area, on the western slopes of the Samaria hills, and the Palestinians would have to demonstrate their ability to manage the water sources. At the same time, the National Security Council recommended that an intensive effort should be made to develop new sources. There was a huge gap in water usage on the two sides of the Green Line. The Palestinians used a per capita average of 35 cubic metres of water a year, whereas consumption in Israel stood at 104 cubic metres. (*Ha'aretz*, 7 November)

60. On 11 November, Suha Arafat, the wife of Palestinian Authority President Yasser Arafat, stated during a speech welcoming the United States first lady Hillary Rodham Clinton that Israel was polluting the environment and thereby causing a host of health problems among the Palestinians. "It is important to point out the severe damage caused by intensive daily use of the poison gas by Israeli forces in the past years that has led to increased cancer cases among Palestinian women and children", she stated. She also said that 80 per cent of Palestinian water was contaminated and blamed Israel, saying it "has caused widespread diseases". Palestinian Authority Health Minister Raid Zaanoun said in a speech shortly afterwards that toxic gas pollution on the part of the Israelis had caused numerous miscarriages among Palestinian women. Prime Minister Barak's office responded angrily to Mrs. Arafat's remarks, issuing a statement "strongly condemning the unworthy statements made today by Palestinian personalities". (*Ha'aretz*, *Jerusalem Post*, 12 November)

2. Restrictions affecting movement of Palestinians within, between, and their exit from and re-entry into the occupied territories

Identity cards, travel permits

61. On 23 August 1999, Palestinian and Israeli negotiators reached an agreement in principle on two thorny issues: the opening of the "safe passage route between the Gaza Strip and a point south of Hebron in the West Bank, and the start of construction at the Gaza port". While negotiators said that details remained to be worked out, the agreement in principle showed that differences over Wye River Memorandum implementation were being narrowed. (*Ha'aretz*, *Jerusalem Post*, 24 August)

62. On 25 August, it was reported that, according to the Israeli liaison officer on legal help to the Palestinian Authority, Jean-Claude Nidam, some 1,500 Palestinians had been barred from entering Israel because they had not paid their debts to Israeli businessmen. (*Jerusalem Post*, 25 August)

63. On 26 August, it was reported that Israel had recently thwarted a Palestinian attempt to allow a foreign vessel to visit Gaza, even though the Palestinian Authority did not have a maritime agreement with Israel. The Palestinian Authority had arranged with the International Sea Scouts for a ship to visit several ports in the region as part of a peace voyage. The original agenda called for stopovers in Egypt, Gaza, Israel, Lebanon and the Syrian Arab Republic. The voyage was to include Sea Scouts from several countries, including both Arabs and Israelis. The boat had arrived several days earlier and the Palestinians had requested permission for it to sail from Ashdod to Gaza. The Foreign Ministry had objected, claiming that the voyage was not part of the interim agreements. (*Ha'aretz*, 27 August)

64. On 13 September, the Interior Ministry informed the lawyer representing Musa Budeiri, a member of one of Jerusalem's most prominent families, that the Ministry had withdrawn an order banning Budeiri from living in the city. The Ministry had ordered Budeiri, an al-Quds University professor, to leave Jerusalem by 22 August because he had a United Kingdom passport, according to the Ministry, the centre of his life was not in Jerusalem. (*Jerusalem Post*, 14 September)

65. On 14 September, officials close to the safe passage negotiations reported good progress and were confident that the southern route would be opened as scheduled in early October 1999. According to the arrangement being worked out, even Palestinians barred from Israel would be allowed to travel the route under border police escort. The Sharm el-Sheikh Memorandum called for the southern route to be opened by 1 October, but that was a Friday and it was agreed by both sides to delay until Sunday. The northern passage route was to be opened two days later. The opening of the safe passage was significant for the Palestinians because it was a tangible link between its two great blocks of territories. For years, any Palestinian who had wanted to travel between the West Bank and the Gaza Strip needed to get permission from Israel. According to the arrangements currently being worked out, even those who did not have security clearance would be able to use the route, which entailed entering Israel and travelling on its highways. (*Ha'aretz*, *Jerusalem Post*, 15 September)

66. On 3 October, it was reported that the scheduled opening of a safe passage between the West Bank and the Gaza Strip had been postponed, after Israeli and Palestinian negotiators had failed to resolve differences over who would issue magnetic security passes and Israel's right to arrest suspects on the route. The route, as agreed in the previous month's Sharm el-Sheikh Memorandum, was to run from Tarkumiya, near Hebron, to the Gaza Strip. The Palestinians argued that the route was supposed to guarantee safe passage without anyone using it running the risk of arrest; otherwise it would be "a trap" rather than a safe passage. In theory, all Palestinians would be entitled to use the safe passage. (*Ha'aretz*, *Jerusalem Post*, 3 October)

67. On 4 October, it was reported that Israeli and Palestinian negotiators had agreed on terms for the first-ever safe passage route between the West Bank and the Gaza Strip, saying that all that was needed was the approval of Palestinian Authority President Yasser Arafat, who was to review the pact overnight. (*Ha'aretz*, *Jerusalem Post*, 4 October)

68. On 4 October, Prime Minister Barak's office issued a statement saying that the Prime Minister had decided, in response to a request from Palestinian Authority President Yasser Arafat, to "allow Palestinian Authority Police Chief Ghazi Jabali to attend the funeral of his late father in Ramallah" the day before. Up until two years before, Jabali had had a VIP pass, enabling him to cross into Israel without security checks. However, the Netanyahu Government had revoked the pass and issued an arrest warrant against him for his alleged involvement in planning an attack against a settlement near Nablus. The Palestinian Authority had refused to hand him over to Israel and he had lived and operated freely in Gaza. (*Jerusalem Post*, 5 October)

69. On 9 October, settlers heckled members of a Jordanian delegation who had come to pray at Machpela Cave and banged their fists on the car of the Speaker of the Jordanian Parliament, Abdel Hadi Majali. "I am very angry", Majali said afterwards. "Our trust in the peace process has been shaken by this incident." According to police, the Speaker had asked to enter the cave without prior coordination with security forces. According to witnesses, about 15 settlers had heckled the Jordanians, chanting in Arabic, "Abu Jihad is dead". The 20 Jordanian legislators were concluding a four-day visit to the West Bank and Hebron was their last stop. (*Jerusalem Post*, 10 October)

70. On 17 October, Natan Sheransky stated that Israel had ended its policy of stripping Palestinians of their right to live in Jerusalem if they left the city for more than seven years. "It was an impractical policy that served no purpose. I am happy that we are stopping it today", Sheransky said of a practice that human rights groups had called "quiet deportation" of Palestinians from East Jerusalem. In a similar move, the Interior Ministry also changed the regulations regarding Jerusalem's Palestinians wishing to obtain Israeli citizenship. Until now, they had to give up their Jordanian citizenship, but this was virtually impossible under Jordanian law. Henceforth, they would only have to show that they had made serious efforts to rescind their Jordanian citizenship. B'Tselem had said that Israel had revoked the Jerusalem residency rights of 5,385 Palestinians since 1967, including 2,200 during the past three years. According to the *Jerusalem Post*, after the six-day war, the Government of Israel had offered Israeli citizenship to the Palestinians of East Jerusalem. The overwhelming majority, who had refused the offer, had become permanent residents of Israel in accordance with the Entry Law. In 1985, the Interior Ministry had promulgated regulations setting down the conditions whereby a residency permit was considered to have expired automatically. According to the regulations, the permit expired if its possessor "abandons Israel and settles outside Israel". This was defined as living outside of Israel for seven years or accepting permanent residency status or citizenship from another country. For the next 10 years, the Government had followed a consistent policy. East Jerusalem residents who did not return to the city for seven years in a row lost their residency rights. Those who came and went from time to time deposited their identity cards with the authorities when they left the country and received an exit card permitting them to return. When they returned, they were given their identity cards back for the duration of their visit. In 1995, the policy had suddenly changed, without warning and without a clearly stated declaration. Visits to Israel no longer rewound the seven-year clock. This applied even to East Jerusalem Palestinians who had moved to the West Bank and continued to enter Jerusalem on a regular basis. Many Palestinians who had lost their residency rights petitioned the High Court of Justice. The most important of those petitions, submitted by Moked, was currently being heard by a panel of five judges headed by Court President Aharon Barak. (*Ha'aretz*, *Jerusalem Post*, 18 October)

71. On 22 October, it was reported that Prime Minister Barak had supported the erection of a fence between Israel and the Palestinian entity. Barak, speaking at the first discussions on the plan to separate security systems for Israel and the Palestinians under the final settlement, said that he supported a divider between Israel and the Palestinian entity, but that it should be an opening for cooperation, not a wall of hostility. He deferred discussion of the question of an external border between the Palestinian area and the outside world. Those points were currently under Israeli supervision. "The intention isn't to create a bubbling pressure cooker but good-neighbourly relations. But we haven't taken a stand on diplomatic status", Barak said, adding it was too soon to discuss the issue: "there isn't even an agreed-on border yet". According to the plan a security fence will be built along the border, described in the final settlement agreement, like the one standing along the Gaza border. Also according to the plan, Israel and the West Bank and Gaza Strip will be linked by 15 to 18 passages. Some will be designated for exclusive Palestinian or Israeli use. (*Ha'aretz*, *Jerusalem Post*, 22 October)

72. On 25 October, the first safe passage for Palestinians between Gaza and the West Bank was opened with a brief ceremony before the first 450 persons to use the passage crossed the Erez junction and made their way to Tarqumiya, south of Hebron. The opening came a month after the target date outlined in the Sharm el-Sheikh Memorandum and six years after the idea was first mentioned in the Oslo agreement. Most Gazans had not been allowed to leave the coastal strip since the 1993 Oslo accords, so IDF was expecting growing demands for travel on what was still a narrow road. Some 120,000 Gazans already had permits for the journey, which was supposed to take up to two hours. If it took longer, Israeli security would question the traveller. In all, some 132,000 Palestinians were eligible to use the route: 130,000 workers and business persons who had had permission to enter Israel in the past, and 2,000 more who had recently been granted safe-passage permits. In the past, those with permits could go only to Israel, but not to other Palestinian territories. Palestinians would have to renew their safe-passage permits every three months. However, those who were considered a security risk and travelled the passage in special buses must renew them every two weeks. (*Ha'aretz*, *Jerusalem Post*, 24, 26 October)

73. On 29 October, Prime Minister Barak suspended the permission given just the week before to Democratic Front for the Liberation of Palestine (DFLP) leader Nayef Hawatmeh to enter the Palestinian-controlled areas. The Prime Minister's decision followed an interview of Hawatmeh by al-Jazera television of Qatar, in which he had voiced support for the armed struggle, saying "struggle is legitimate as long as settlers remain on Arab land". He had also imposed a condition for his return, saying that he insisted that he be allowed to move freely throughout the West Bank and Gaza and from the Palestinian areas abroad, and that his aides should be allowed to travel with him. Speaking to *Reuters* after he heard of the suspension, Hawatmeh said that all factions of the PLO had agreed years ago to focus action against Israel by political and diplomatic means rather than through armed struggle. He added that "the Barak decision suspending our right to return home is a hostile move against the peace process. It contravenes international law and human rights". (*Ha'aretz*, *Jerusalem Post*, 29 October)

74. On 31 October, Shuhada Street in Hebron was opened fully to Palestinian taxis despite a demand from settlers not to open it following a shooting incident the day before. The final 300-metre stretch of the street was opened as a group of some 200 settlers held a prayer vigil protesting the decision. The IDF spokesperson stated that the road could now be used by Palestinian emergency and municipality vehicles as well as taxis and other registered cars. The road had been closed to Palestinian traffic since 25 March 1994. IDF officers told the *Jerusalem Post* that they saw no reason to stall the opening, but added that the market next to the Avraham Avinu quarter would remain closed until the Palestinians responded to Israeli demands to impose certain restrictions on activity there. (*Jerusalem Post*, 1 November)

75. On 4 November, Palestinian Civil Aviation and Airport Director-General Fayez Zaidan told the *Jerusalem Post* that Gaza International Airport was to start operating 24 hours a day later in November. An average of only two flights a day would land at and take off from the airport, but Ziadan expected the number of flights to increase with the approach of the year 2000. (*Jerusalem Post*, 4 November)

76. On 7 November, it was reported that Israel had rejected 40 per cent of the requests by Palestinians to use the safe passage route between the Gaza Strip and the West Bank. Since the opening of the route 11 days earlier, some 10,000 applications had been submitted, but the Israeli security authorities had issued the necessary magnetic cards only for about 6,000 Palestinians. According to a senior security official, the rejection rate is attributable to the fact that a large proportion of the applicants were residents of Gaza on the list of those barred from entering Israel. Every day about 500 Palestinians from Gaza were using the safe passage route, the majority travelling in buses and cabs. The magnetic cards for Palestinians who were prohibited from entry into Israel were pink. At first the idea was to issue red cards, but "in order to convey optimism" it was decided to use a rosy pink colour, according to the sources. The regular cards were green. (*Ha'aretz*, 7 November)

77. On 16 February, it was reported that an Israeli decision to close the Erez crossing to Palestinian trucks had touched off an angry reaction from the Palestinian Authority. For Israel, the decision to turn the Karni crossing into the only truck passage to and from the Gaza Strip was viewed as an efficiency measure. According to Palestinian Authority officials, the closure was due to take place on 1 March. Maher Kurd, an economic adviser to Palestinian Authority President Yasser Arafat, termed the planned closure of Erez "a severe blow that will leave thousands of truck owners bankrupted and cause huge losses on imports. This is a war. It certainly is not a peace-like gesture". Truck drivers voiced worries about the change. Under current arrangements, they were able to drive the entire route from Gaza to Ashdod. "This will effect all of trucks. We won't be able to drive in Israel and will lose our livelihood", said one trucker. An average of 130 Palestinian trucks crossed at Erez daily, according to an Israeli official. Israel did not assess fees at Erez, but truck owners must pay at Karni, which was split 60-40 between Israel and the Palestinian Authority. (*Jerusalem Post*, 16 February)

78. On 25 February, it was reported that the Palestinian Authority's Information Ministry would stop issuing press cards to Israeli journalists in response to a complaint by Palestinian journalists about Israeli restrictions on their freedom of movement. Yasser Abed Rabbo, who heads both the Culture and Information Ministries, also promised to try to have the Israeli restrictions lifted, although he warned that it was useless to respond "to chains with other chains". Two days earlier, some 20 journalists from Ramallah

(out of 240 Palestinian journalists operating in Gaza and the West Bank) had held a protest outside the Information Ministry. Under Israeli closure policy Palestinian journalists must get entry permits for Israel and transit passes for travel between the West Bank and Gaza Strip, as well as Israeli permission to travel abroad. To cover official events in Israel, they were obliged first to obtain press badges from the Israeli government press office. (*Ha'aretz*, 25 February)

Closures

79. On 8 September, a closure was imposed on the West Bank and Gaza Strip at midnight, amid fears that Islamic terrorists would try to stage a large-scale bombing during the heavy pre-holiday shopping period. According to Israeli security sources, the closure had been based on "hot concrete information". Under the closure all Palestinians from the West Bank and Gaza Strip were barred from entering the county. Israel had traditionally imposed closures over major holidays, but this time the closure had been imposed earlier, on a workday, because of information that the terrorists were planning to stage an attack. Also, 9 September was the day Hamas marked the second anniversary of the killing of the Awadallah brothers near Hebron. The closure was expected to last over the weekend. (*Jerusalem Post*, 9 September)

80. On 12 September, IDF lifted a closure imposed for the holiday weekend on the West Bank and Gaza Strip. (*Jerusalem Post*, 13 September)

81. On 8 November, IDF soldiers closed the entrance and exit to the Kalandya refugee camp outside Ramalla Ha'aretz, after a request to camp leaders to quell clashes between residents and security forces was ignored. The IDF spokesperson said that in recent days there had been an increase in violent confrontations with the Israeli security forces, including the throwing of stones, bottles and other items. The spokesperson stated that the exit and the entrance would remain closed until further notice. (*Jerusalem Post*, 9 November)

82. On 10 February, IDF forces imposed a closure on the village of Burkin, located in Area B (under Israeli security control) and General Security Service/Shin Bet (GSS) agents arrested several villagers. The closure was imposed following an incident in which one man was killed and another was seriously wounded when a bomb they were preparing exploded prematurely, according to Israeli officials. However, an Israeli security officer stated that the Palestinian Authority had started to investigate the incident, but it was too early to tell which organization the two belonged to or what they were planning. (*Ha'aretz*, *Jerusalem Post*, 11 February)

C. Manner of implementation of restrictions

1. Checkpoints

83. On 28 January 2000, it was reported that a decision to move an IDF checkpoint situated near the Green Line had stirred fears of annexation. The relocation 3 kilometres eastward, which could be interpreted as the effective annexation of Mevo Horon and the adjacent Canada Park to Israel, were deemed liable to spark a new dispute between Israelis and Palestinians, sources close to the Israeli final status negotiation team admitted. Without consulting the Palestinian Authority, two weeks previously, IDF had moved the checkpoint. The crossing point had formerly been located about a mile north of the Latrun exchange. The relocated checkpoint was now in an area about which Israel and the Palestinian Authority have quarrelled for some time. Until the 1967 war, the area had been a no man's land stretching between Israeli and Jordanian positions. The Palestinians demanded that under a final status accord the borders of their state should cross the western perimeters of the Green Line (where Israel had positions before 1967), in which case the border would pass through the Latrun exchange. Moshe Brava, a geographer, had said that both old and new checkpoints were actually located very close to the eastern edge of the Green Line in the Latrun area, on the eastern ridge of the pre-1967 no man's land. He added that Israel had created facts in no man's land areas years ago, starting with the Six-Day War. When the fighting had stopped, IDF had destroyed three Palestinian villages in the area of Canada Park, expelling their residents from the area. (*Ha'aretz*, 28 January)

84. On 9 February, Fatima Abu Rmeila, 62, was laid to rest after suffering a heart attack while witnessing a raid on her house by Israeli soldiers. It was reported that on 7 February 2000, at 9.30 p.m., a large number of Israeli forces and intelligence agents had raided Abu Rmeila's house, which was located in the Israeli-controlled Zone H1 in Hebron. Fatima's husband, Fares

Abu Rmeila, 66, stated that approximately 10 soldiers and agents raided his house. Owing to a power cut, the raid had been carried out in total darkness, with only the light of high-density flashlights carried by the agents. The agents had brutally ransacked the home while shouting at the family members and holding several of them, including women and children, at gunpoint. Fatima, who was terrified, had collapsed. Fares stated that he had asked the commander to allow him to transfer her to the hospital but the commander had refused. Only 20 minutes later, after a series of negotiations, another intelligence agent had permitted him to take his wife to the hospital. However, despite Fatima's expressions of pain and the obvious need for urgent medical care, the car had been delayed for another 15 minutes at an Israeli checkpoint, near the house. By the time the car had arrived at the hospital, it was too late, as Fatima was already dead. (*Ha'aretz*, 10 February; *Jerusalem Post*, 11 February)

2. Interrogation procedures

85. On 22 August 1999, it was reported that the Public Committee against Torture had submitted a petition to the High Court on behalf of Hasin Sheikh, charging that GSS had stopped torturing him after the Committee had petitioned the High Court about their interrogation methods, and then resumed after the Committee had withdrawn the petition. In response to the petition, the State Attorney's Office and GSS had denied using the methods alleged by Sheikh at any time since his detention on 4 July 1999. In the petition, it was claimed that GSS interrogators had allowed Sheikh to sleep for only three hours between 12 August and 14 August, had pulled his beard, screamed repeatedly into his ear, prevented him from changing his clothing and underwear and threatened him and his family. (*Jerusalem Post*, 22 August)

86. On 6 September, in a unanimous ruling by nine justices, the High Court of Justice outlawed many of the most common methods of interrogation of GSS. With the ruling, the court overturned the guidelines laid down by a 1987 commission of inquiry headed by then Supreme Court President Moshe Landau, which had authorized GSS to use "moderate physical pressure" if it was necessary to save human life. The methods that the court banned include shaking, the *Ashabach* (in which an interrogee is forced to sit on a low chair that tilts forward for hours at a time, with his hands tied behind his back, his head covered by a tightly sealed sack and with loud music blasting in his ears), the "frog crouch", in which the interrogee is forced to crouch on the tips of his fingers and toes for up to five minutes at a time, and sleep deprivation. The judges refrained from defining these methods as "torture", but ruled that they were illegal infringements of interrogees' basic rights. The ruling had been written by Supreme Court President Aharon Barak, with eight justices concurring. It had been issued in response to seven petitions by the Public Committee against Torture in Israel, the Association for Civil Rights in Israel, the Centre for the Defence of the Individual and attorney Andre Rosenthal, all filed in the names of Palestinian interrogees. The justices stressed that the ruling had been a difficult one to make, since they were aware of the reality of terrorism and were therefore worried that the decision might interfere with the State's ability to combat it. But being judges, they wrote, they were obligated to rule according to the law; and under the existing legal situation, neither the Government nor GSS had the power to authorize an interrogator to use any means that did not accord with "a fair and reasonable interrogation". Such an interrogation, they continued, could not include any "cruel, inhumane or humiliating" measures. If the Government wished to permit GSS to utilize such methods, the justices added, the Knesset would have to enact the relevant legislation. However, any such legislation would have to accord with the Basic Law on Human Dignity and Liberty, which stated that any infringement on human liberty was permitted only with legislation "befitting the values of the State of Israel, enacted for an appropriate purpose, and to an extent no greater than required". The court rejected the State's argument that the defence of necessity, which exempted a person from criminal liability if a crime was necessary to save a life, justified the use by GSS of "physical pressure to extract information from interrogees". The justices said that defence was essentially an "ad hoc" one, which exempted a person from liability for a specific action committed to counter an immediate threat. It therefore could not serve as a source of authority for a routine method of interrogation. (*Ha'aretz*, *Jerusalem Post*, 7 September)

87. On 14 September, it was reported that two GSS employees claimed that they had been made to take the blame for the death during interrogation of a Palestinian man when in fact more senior GSS staff had been responsible. The two petitioned the State to be allowed to review all materials about their case held

by GSS and the Attorney General's office. The two were involved, among others, in the interrogation of a Palestinian internee, Khaled Sheikh, who had died on 19 December 1989 as a result of torture. In their petition, they claimed "the interrogation, like other interrogations at the facility at that time, was conducted at a level of violence exceeding GSS standards". In addition to the petitioners, three other interrogators took part in the violent stage, including one with administrative ranks and two experienced senior interrogators. (*Ha'aretz*, 14 September)

88. On 15 September, it was reported that the Ministerial Committee on General Security Service Interrogations was due to meet to consider how the Government should respond to the High Court decision banning interrogation involving physical or mental pressure. The day before, Justice Minister Yossi Beilin had told the Knesset that legislation seeking to bypass the ruling would be unconstitutional, would conflict with the Basic Law: Human Dignity and Freedom, and would not withstand a High Court challenge. The Justice Ministry refused to respond to a newspaper report that Deputy Attorney General Yehudit Karp had prepared an opinion for Prime Minister Barak opposing passage of such a law. Unlike the Justice Minister, Barak and Attorney General Elyakin Rubinstein had publicly expressed support for the legislation, and GSS leaders had reportedly insisted upon it. (*Ha'aretz*, *Jerusalem Post*, 15 September)

89. On 16 September, it was reported that the Ministerial Committee formed following the High Court decision to ban torture had appointed a panel of experts to find a legal solution to the interrogation of suspected terrorists in cases of clear and present danger. Prime Minister Barak had made it clear that he did not object to a proposal for new legislation permitting the use of special methods of interrogation in circumstances of immediate danger (the so-called "ticking-bomb" scenario, referring to a suspect of an impending terrorist attack). It was emphasized to the participants in the meeting that the High Court ruling stipulated that the Knesset could decide to enact legislation legalizing the use of more severe techniques by interrogators. (*Ha'aretz*, 16 September)

90. On 24 October, it was reported that, despite the objections of Justice Minister Yossi Beilin, 47 Knesset members, mostly from the opposition but including some from the right wing of the coalition, were backing a bill that would allow GSS to use "special investigative tactics" on suspects who had information "that if revealed would immediately prevent a real and immediate danger to the security of the State". The bill, proposed by Likud Knesset member Reuvin Rivlin, and to be tabled the following day, sought to circumvent High Court ruling outlawing any physical pressure on suspects under interrogation by GSS. (*Ha'aretz*, 24 October)

91. On 3 November, it was reported that two former GSS interrogators sentenced to jail for the death of a Palestinian detainee had sued their former commander, Ya'acov Perry, for NIS 2.2 million for allegedly manipulating them into taking full blame for the incident and thereby exonerating five other agents. The two, identified only by their initials as Aleph (A) and Shin (S), also charged that the regular interrogation methods at the Gaza facility to which they had been assigned were "violent, illegal and not allowed [even] by GSS regulations". Although the incident had taken place 10 years previously, the two agents had not made the matter public until last June, when Perry had published an autobiography of his years of service in GSS. "I can say severe violence ... was used against him. But that is the method. It was not a misstep taken by just a few people. It was a method we were taught", "S" told Army Radio. "In an organization like GSS, in which discipline is a sacred principle, even a hint or a wink were taken as orders". (*Ha'aretz*, 3 November; *Jerusalem Post*, 3, 4 November)

92. On 4 November, it was reported that Attorney General Elyakim Rubinstein had published guidelines for General Security Service interrogators explaining the implication of the High Court of Justice ruling of 6 September banning the blanket use of "moderate physical pressure" during interrogation and enumerating the conditions that must be met before such methods could be legally justified. The Court had ruled that GSS could not be given prior approval for the use of interrogation techniques including violent shaking and other methods of "moderate physical pressure" that human rights organizations had branded as torture. However, it had added that paragraph 34 (K) of the Panel Law, otherwise known as the "necessity defence", could serve as justification for such normally illegal methods, if the interrogator proved they were essential to extract information from the suspect to prevent an imminent and concrete threat to human life. In his guidelines, Rubinstein had made it clear that he would not give any GSS interrogator prior approval to

use the banned methods. Rubinstein wrote: "In situations where the interrogator has taken measures required immediately to obtain vital information in order to prevent tangible danger of grave injury to national security, or the life, freedom, or physical well-being of individuals, and there is no other reasonable way in the circumstances to obtain the information, and to resort to these interrogation methods was reasonable under the circumstances to prevent the injury, the Attorney General will consider not opening criminal procedures." Rubinstein explained that in order for a danger to be considered immediate, it does not have to take place within the next few hours. Quoting from the High Court decision, he wrote that the danger could occur in a few days or even a few weeks, on condition that "it is certain the danger will come to fruition and that there is no other way to prevent it." (*Ha'aretz*, *Jerusalem Post*, 5 November)

93. On 8 November, the Justice Ministry distributed a summary of draft legislation that would amend the criminal code by banning the use of torture and punishing the violators with prison sentences of 10 to 20 years. The draft is intended to implement the recommendations of a committee which concluded in July 1995 that an article should be added to Israel's criminal law to explicitly ban torture. An additional article in the draft legislation deals with "failure to prevent crimes" and aims to punish those who remain silent in the face of torture. (*Ha'aretz*, 9 November)

94. On 20 December, it was reported that a source close to Justice Minister Yossi Beilin had stated that there was a consensus in the Justice Ministry for holding off legislation to legitimize the use of physical pressure in GSS interrogations. Instead, participants at a high-level Ministry meeting suggested allocating additional tools and funding to develop new interrogation techniques not involving physical force. According to the proposal, the Government would review the situation in a year or two. (*Ha'aretz*, *Jerusalem Post*, 20 December)

95. On 20 January 2000, according to Law Society, a Palestinian human rights group, for the first time since the High Court of Justice had banned the use of force against Palestinian detainees, a Palestinian had died in Israeli custody after being tortured. Lafi al-Rajabi, 20, had died a few days earlier while in Israeli detention near Ariel. His body, handed over to his family, bore wounds, cuts and bruises. No autopsy report was given to the family. Amir Abramovitch, media adviser to Justice Minister Yossi Beilin, said Beilin was unaware of the case, but he had asked his Ministry's Human Rights Department to investigate. Al-Rajabi had been arrested seven months earlier in Ramle while attending the trial of a relative and had then been accused of ties to criminal defendants and not carrying an ID card. (*Jerusalem Post*, 20 January)

96. On 31 January, it was reported that Jerusalem Magistrate's Court Judge Ezra Kama was to decide in the following few days whether to hear a suit by two former GSS agents against former GSS head Ya'acov Perry for defamation of character and damages (see para. 91 above). In the two agents' suit for NIS 2.2 million they claimed that Perry manipulated them into taking full blame for the death of a Palestinian detainee in Gaza interrogation centre in 1989 and thereby exonerating five other interrogators with seniority. The two agents had spent four months in prison. According to the two agents, the routine interrogation techniques used by everyone in the Gaza facility were illegal and exceeded standard GSS regulations. (*Jerusalem Post*, 31 January)

97. On 2 February, Jerusalem District Court rejected a request by the former head of GSS to disallow a lawsuit by two former agents accusing him of libel and seeking NIS 2.2 million in damages. The two agents claimed that they had taken the blame for the death of a Palestinian suspect they interrogated together with five other agents, even though three other agents were in the room during the final interrogation leading to his death. (*Jerusalem Post*, 3 February)

98. On 10 February, it was reported that a State Comptroller's report on GSS during the Palestinian uprising (intifada) had been made public. The report, written in 1995 but kept secret for five years, revealed that GSS interrogators had continued to use excessive force during interrogations, to lie about their methods and to write incomplete reports over the next five years, during which time the State Comptroller was investigating their activities. According to the conclusions of the 1994 State Comptroller's report, "those who held overall responsibility for GSS failed badly in their responsibility to keep its activities within the framework of the law". The investigation, conducted between 1988 and 1992 under former State Comptroller Miriam Ben Porat, had been completed in 1994 but had been withheld from publication until a Knesset Defence and Foreign Relations subcommittee had agreed to release a nine-page condensed version,

which did not give specific examples of the violations. The 1988-1992 investigation had focused on the Gaza interrogation facility. The State Comptroller found that the GSS had not obeyed the law, the Landau report guidelines or the internal guidelines formulated by the service itself. Ben Porat had said that the use of physical pressure against detainees had continued after the publication of the Landau report and had exceeded the constraints that the Commission had imposed. The heads of GSS were aware of this, she added. "Violation of the Landau Commission and the GSS regulations continued to be widespread in the interrogation facility in Gaza and, to some extent, in other facilities. These violations were not the result of ignorance of the law but were done deliberately", she wrote. "Veteran and senior investigators in the Gaza facility carried out severe and systematic violations. Senior GSS commanders did not prevent these violations. They added resources and methods of applying pressure to the GSS guidelines that were not included in the Landau Commission report, eliminated the constraints that the Landau Commission had applied to methods it did approve and failed to uproot these unauthorized methods, as their position obliged them to do", she wrote in her report. Ya'acov Perry, who headed the GSS during the intifada, said the State Comptroller's report was incorrect and was a cause of sorrow in the agency and among its members. (*Ha'aretz*, *Jerusalem Post*, 10 February)

99. On 10 February, Justice Minister Yossi Beilin stated that Israel would never again revert to the GSS methods investigated by the State Comptroller from 1988 to 1992 or those which the High Court of Justice had declared illegal the previous year. Beilin was speaking to Ministry employees during a study day devoted to human rights issues. (*Jerusalem Post*, 11 February).

3. Administrative detention and conditions of detention

100. On 20 January, it was reported that IDF had arrested Hussein Abu Zneid and placed him in administrative detention until 18 April. According to the detention order, Abu Zneid, who comes from the village of Dura in the Hebron hills, was a Hamas activist. He had been due to be brought before a judge on 24 January. According to human rights lawyer Tamar Peleg, there were currently 13 Palestinians being held in administrative detention. In related news, it was reported that Moked — Defence of Individual and the Association for Civil Rights in Israel had petitioned against an order extending the administrative detention of Ayman Daraghma, who had been jailed without charges on 12 September 1995 and held behind bars ever since. Daraghma, who comes from Tubas, was the second-longest-held administrative detainee. According to the petitioner, two judges who had heard the appeals against his current detention order, which was due to expire on 26 January, said that the order should not be renewed again unless the authorities had "up-to-date and very serious" reasons for extending it. (*Ha'aretz*, 20 January; *Jerusalem Post*, 21 January)

101. On 2 February, it was reported that three attorneys, among them a representative of the Association for Civil Rights in Israel (ACRI) and a former military prosecutor, claimed that the head of the army's Central Command, Brigadier Moshe Ya'alon, exceeded his authority recently when he issued a ninth administrative detention order against the longest-held administrative detainee in Israel. Ayman Daraghma, a 25-year-old resident of the West Bank village of Kafr Tubas, had the dubious distinction of having been held without trial since July 1995, longer than anyone currently in custody. A discussion of the latest order against him, which had been issued on 11 January 2000 and went into effect on 26 January, had been held before a military judge. The three attorneys defending Daraghma had based the demand for his release on a petition submitted to the High Court of Justice some 18 months earlier, in the case of another detainee. In that case, the Court had annulled the administrative detention order against Abed al-Fattah al-Amla, which had been issued by a military commander despite a military judge's decision to shorten his detention. GSS viewed Daraghma as an Islamic Jihad activist. He had once been convicted on charges of being Fatah activist but had been given early release in 1994 as part of the Oslo Accords. The military court's decision was expected to be handed down within a few days. (*Ha'aretz*, 2 February)

102. On 7 February, a military judge cancelled an administrative detention order issued by the head of the army's Central Command, Moshe Ya'alem, against Ayman Daraghma, who had been jailed without a trial since July 1995. Daraghma's lawyer argued that two judges who had heard the appeal against Daraghma's previous detention order, which had expired on 26 January 2000, said the order should not be renewed

unless the authorities had "up-to-date and very serious reasons" for extending it. The judge found that Ya'alon had not presented any such reason and had therefore ordered Daraghma's release. He gave the army prosecution 72 hours to appeal the decision. (*Ha'aretz*, *Jerusalem Post*, 8 February)

103. On 9 February, Israeli authorities released Ayman Daraghma. Daraghma was informed of his release in writing. Attached to the release order was a map outlining the areas in which he would be allowed to travel. The map showed that he would only be allowed to travel freely in the Palestinian-controlled areas (Area A), but that his movements in Israeli-controlled areas (Area B) would be restricted for six months. Daraghma would thus have to stay in his village of Tubas because all territories between his village and other towns fell within Area B. (*Ha'aretz*, 10 February)

4. Imprisonment and conditions of imprisonment

104. On 22 August, the Knesset Law Committee rejected a bid to give prison authorities the right to ban visits to certain prisoners jailed for the duration of their legal proceedings. The General Security Service, the Prisons Service and the Minister for Internal Security, Shlomo Ben Ami, failed to convince the Committee that prison wardens should be allowed to disallow visits for three months in cases where a reasonable suspicion existed that the prisoner could use such visits for activities that might endanger State or public security. Ben Ami told the Committee that to date, heads of detention facilities had been authorized to ban visits to detainees in such cases. According to a recent court ruling, however, the cancellation of visitation rights had been permitted only when the authorities had prior knowledge of the visitor that would warrant it. The National Public Defender, Kenneth Mann, opposed the proposal, as did Knesset member Amnon Rubinstein, the Committee Chairman. Rubinstein accepted a proposal which would permit the prohibition of visits for a 14-day period, instead of 3 months, which could be renewed by court order. (*Ha'aretz*, 23 August)

105. On 9 September, Israel released 199 Palestinian security prisoners as part of the Sharm el-Sheikh Memorandum it had signed with the Palestinian Authority the week before. All the prisoners released under the arrangement signed a commitment not to participate in terrorist activity. Ninety-five of the prisoners, residents of Gaza Strip, were set free at the Nahal Oz roadblock. The others, residents of the West Bank, were driven to various drop-off points. Some 155 of the prisoners released had been given life sentences for the murder of Palestinians accused of collaboration with Israel. Twenty-one of the prisoners were serving sentences for wounding Israelis in terror attacks. Contrary to previous reports, foreign prisoners from various Arab countries were not among those released. Only one prisoner, held in the Megiddo military jail, declined the early release and asked to complete his term. He had been set to be released in several days. Most of the prisoners were from the Fatah movement, some 35 were from the Popular Front of Liberation of Palestine and 20 were members of the Democratic Front for the Liberation of Palestine. (*Ha'aretz*, *Jerusalem Post*, 10 September)

106. On 6 October, it was reported that Palestinian prisoners in two Israeli prisons had begun a protest against the prison administration for conducting a group punishment. According to the prisoners, who had reported to their lawyers, the authorities had decided to impose new, degrading conditions on them after finding and confiscating eight cellular telephones. According to the prisoners, the administration has renewed the custom — which had been stopped in 1992 — of performing strip searches of every detainee leaving and entering the prison. (*Ha'aretz*, 6 October)

107. On 6 October, the Israeli Cabinet quietly relaxed somewhat the criteria for the release of Palestinian prisoners, paving the way for releasing those who had committed unspecified crimes against Arabs after the Oslo Agreements, including a number belonging to Hamas and Islamic Jihad. Israel was scheduled to release 150 prisoners the day after on the occasion of the Prisoners Day in accordance with the Sharm el-Sheikh Memorandum. (*Jerusalem Post*, 7 October)

108. On 7 October, the Prime Minister's office announced that Israel would delay the release of 150 prisoners scheduled for 8 October, after Palestinian negotiators had rejected the list it had proposed. Palestinian officers stated that they rejected Israel's new criteria. (*Jerusalem Post*, 8 October)

109. On 15 October, Israel released another 151 Palestinian political prisoners, completing its commitment under the Sharm el-Sheikh Memorandum. The release had been delayed by a week owing to differences over 35 names. The prisoners, who signed pledges of non-violence as a condition for their release,

were mostly Palestinians affiliated with the mainstream Fatah group, but also included citizens of the Syrian Arab Republic, Lebanon, Egypt, Jordan, the Sudan and the Libyan Arab Jamahiriya, as well as members of Islamic Palestinian organizations. While 42 of the released prisoners had been involved in attacking and injuring Israelis, none of the attacks had resulted in fatalities. However, 38 of the freed prisoners had murdered fellow Palestinians for allegedly collaborating with Israeli authorities. Following the release of the prisoners, some 850 security prisoners still remained in Israeli jails and another 200 were awaiting trial. Another 1,000 Palestinians classified as criminals were also serving time in Israeli jails. Israel had promised to release additional prisoners in December to mark the Muslim holy month of Ramadan. (*Jerusalem Post*, 16 October)

110. On 29 November, it was reported that the Prison Service had withheld permission for a British physician to examine the condition of a Palestinian girl. For the past year, 16-year-old Suad Chilmi Gazal had been detained in Ramle awaiting termination of the legal procedures being conducted against her. She had been arrested in December 1998 under the suspicion of assaulting a female settler. Recently Gazal had begun to develop serious medical problems. Among them were severe headaches, persistent coughing and urinary tract infections. The prison office of public affairs stated that she was "under continual medical surveillance by the prison doctor and the prison medical clinic". Advocate Chaled Kosmar, Director of the Palestine Section of Defence of Children International, had visited the prisoner on 28 November and stated that Gazal was receiving no medical treatment other than Akamol (similar to aspirins) tablets. (*Ha'aretz*, 29 November)

111. On 29 December, it was reported that Israel had released as a goodwill gesture 26 security prisoners. The release represented the third batch of prisoners Israel had agreed to free in accordance with the Sharm el-Sheikh Memorandum. The list was divided into three categories: 4 prisoners who had wounded Israelis; 8 who had murdered collaborators; and 12 who had committed other offences. Close to 2,000 Palestinians remained in Israeli jails, their fate to be decided in a final status agreement scheduled to be concluded by September 2000. The decision to release the present group of prisoners had come after long weeks of stalling and a meeting the previous week between Prime Minister Barak and Palestinian Authority President Yasser Arafat. It was reported that the Palestinians were disappointed by the current release since they had expected a larger release of some 50 prisoners, and had wished to be consulted on the names. (*Ha'aretz*, *Jerusalem Post*, 27, 28, 29 December)

112. On 30 December, for the first time since 1994, Israeli authorities released Palestinian prisoners from East Jerusalem, in a move timed as a Ramadan goodwill gesture. The seven released prisoners were taken to Jerusalem from Shata and Hasharon prisons, arrived in the afternoon at the Orient House, where they were greeted. Sources in Prime Minister Barak's office stated that the releases were in keeping with agreements Israel had signed with the Palestinian Authority. (*Ha'aretz*, *Jerusalem Post*, 31 December)

113. On 5 January 2000, it was reported that an additional 22 Palestinian prisoners had been released as a goodwill gesture for Ramadan. According to the Prisons Services, 20 of the prisoners had been convicted of illegal entry into Israel and had been sentenced to up to a year in prison. The two other prisoners had been sentenced to 12 and 14 years respectively for murdering relatives. All the prisoners agreed to sign a document declaring that they would refrain from endangering Israel's security. Since October 1999, in accordance with the Sharm el-Sheikh Memorandum, Israel had released 184 Arab security prisoners, beginning with the first batch of 151 on 15 October, and then in 2 separate batches on 28 and 30 December. Those released included members of Hamas and Islamic Jihad, one of whom had murdered an Israeli. (*Ha'aretz*, *Jerusalem Post*, 5 and 6 January)

114. On 26 January, a prominent Palestinian Authority minister accused the General Security Service of keeping close relatives of some 200 Palestinian prisoners from visiting their loved ones in jail. Palestinian Prisons Minister Hisham Abed a-Razak brought the issue to the attention of Israeli officials during talks held by the joint Israeli-Palestinian committee dealing with prisoners' releases. Abed a-Razak told reporters in Ramallah that at various times GSS had banned elder parents, wives and siblings of 200 prisoners from visiting. At least one close relative had been kept from each prisoner. GSS justified the policy on security grounds, but Abed a-Razak charged that the policy was an illegitimate pretext that violated the prisoners' rights. He added that the no-visiting

policy was instrumental in precipitating a strike the previous day by Palestinians in Israeli jails. He said that, according to Israeli data, 22 Palestinian prisoners were terminally ill. Their release on health grounds was mandated by the Oslo Agreement and yet they languished in prison. He demanded the release of other Palestinian prisoners, including three Palestinian female prisoners and seven men who had been incarcerated for more than 20 years. (*Ha'aretz*, 26 January)

5. Question of the use of force

115. On 15 September, it was reported that four members of the border police special surveillance unit, involved two years earlier in the brutal killing of a cat, had been expelled from their unit recently following a complaint by a Palestinian suspected of stealing a car, who said the soldiers had wrecked his home. Two years earlier, the four soldiers had tortured a cat in the unit's gym and killed it by crushing its skull with a weight. In April 1999, according to the complaint, during an operation meant to locate car thieves from the West Bank village of Shweike, the soldiers, including the four who had tortured and killed the cat, broke into the home of a man suspected of stealing a car, allegedly breaking furniture, smashing windows and kitchenware and destroying everything in the house. (*Ha'aretz*, 15 September)

116. On 17 September, it was reported that a Palestinian Authority man was shot trying to cross into Israel from the Gaza Strip. A large IDF force was called in after a hole had been found in the security fence between Nahal Oz and Erez junction. The force spotted five Palestinians who managed to enter Israeli territory carrying equipment that the soldiers considered suspicious. Three of the Palestinians escaped back into Palestinian Authority territory, one was shot, captured and hospitalized, and another was taken into custody. The five were believed to be job seekers, but the suspicion of terrorism remained. (*Ha'aretz*, 17 September)

117. On 18 September, it was reported that an Israeli policeman had shot a Palestinian after a chase in Emek Haela in which three men in a truck wearing IDF or border police shirts had tossed iron rods into the road as they tried to evade capture. (*Jerusalem Post*, 19 September).

118. On 22 September, it was reported that the State Attorney's Office had filed an appeal with the Supreme Court to overturn the acquittal of the security coordinator of the Hadar Beitar settlement for killing an 11-year-old Palestinian boy three years earlier in the village of Hussan, near Bethlehem. The boy, Hilmi Shusha, had died in the hospital one day after being brought in unconscious. Nahum Korman was charged with manslaughter in Jerusalem District Court for having kicked Shusha in the neck while pursuing stone throwers, thus causing fatal bleeding in the boy's brain. The indictment had been based on the autopsy findings of Yehuda Hiss, head of the Institute of Forensic Medicine at Abu Kabir, and on two witnesses, the dead boy's cousins. Judge Ruth Orr found the cousins' testimonies to be riddled with contradictions, however, and concluded that they had not in fact even been present at the scene. As for the coroner's finding, she ruled that he had been anxious to find the cause of death and had based his conclusions on the testimony of the two cousins and had ignored the fact that there were no pathological findings to substantiate the testimony. In its appeal, the State contended that Korman had been acquitted even though no satisfactory alternative explanation had been offered that would account for the boy's death. The notion that a healthy boy would suddenly collapse in a manner that would cause fatal bleeding of the brain is blatantly unreasonable, the State argued. (*Ha'aretz*, *Jerusalem Post*, 23 September)

119. On 3 October, it was reported that a Justice Ministry division on police conduct was investigating whether police gunshots had resulted in the death of a 28-year-old Palestinian and the wounding of another during a car chase two days before. Police claimed that they had fired warning shots in the air towards the victims' suspicious car after the two Palestinians, who were not armed, got out of their car and clashed with police. It later emerged that the Palestinians' car had been stolen the day before from an Israeli town. The two had previous police records for property violations. The Justice Ministry planned to determine whether the police had acted properly in shooting the unarmed suspect above the waist. (*Ha'aretz*, *Jerusalem Post*, 3 October)

120. On 25 October, hundreds of Palestinian demonstrators hurled stones and bottles at Israeli soldiers near Rachel's Tomb after an Israeli soldier shot to death a Palestinian who he said had tried to stab

him. The riots broke out as rumours swept Bethlehem about the shooting of the assailant, who was identified as Mussa Abu Hilail, a 29-year-old divorced souvenir hawker and father of two. Soldiers used metal-coated rubber bullets and tear gas. It was reported that 15 demonstrators had been lightly injured. (*Ha'aretz*, *Jerusalem Post*, 26 October)

121. On 26 October, it was reported that hundreds of Palestinian demonstrators had protested for the second day the death of Mussa Abu Hilail, who had been shot to death by an IDF soldier. In violent clashes during the day some 15 Palestinians had been wounded, one seriously. IDF soldiers had used rubber bullets and tear gas to disperse the demonstrators. Foreign Secretary Robin Cook of the United Kingdom of Great Britain and Northern Ireland was forced to cancel his visit to Bethlehem because of the unrest. Palestinians claimed that Hilail, who sold souvenirs to tourists, had been unarmed and had been summoned by the soldier, who shot him. The IDF denied the claims. (*Ha'aretz*, *Jerusalem Post*, 27 October)

122. On 27 October, it was reported that 10 Palestinians and 1 IDF soldier had been wounded in a third day of clashes near Rachel's Tomb on the outskirts of Bethlehem. Foreign Minister David Lavy accused the Palestinian Authority of "not lifting a finger" to contain the violence. The unrest had ensued as some 200 Palestinians threw stones at IDF soldiers after breaking away from a funeral procession for Mousa Abu Hilaili, who had been shot and killed after allegedly trying to stab an Israeli soldier. He was buried in Beit Sahuor. News agencies reported that about 10 Palestinians had been hurt by metal-coated rubber bullets, including an Associated Press photographer, who had been struck in the back. (*Jerusalem Post*, 28 October)

123. On 11 November, it was reported that a border policeman who had shot and wounded a child from Hebron in early May after the boy had refused to give him a ball he was playing with had been indicted by the Jerusalem District Court Attorney. Border policeman Saher Salaimeh had been charged with unjustifiably shooting and wounding 13-year-old Jawad el-Mohammed, who had been playing ball with his cousin, brother and sister. According to the testimony collected by B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, the four children had been playing in front of their home near the Tomb of the Patriarchs, which was surrounded by border policemen and soldiers. B'Tselem said that the Jerusalem District Attorney's decision to indict the soldier was unusual in the light of recent decisions to close more than half of the cases of shooting incidents opened in the previous year. The following are the statistics collected by B'Tselem about shooting incidents that ended in death or injury from April 1988 to date: five shooting incidents one year previously, two of which ended in death: cases closed without indictments; in three shooting incidents one year previously, two of which ended in death, no decisions have yet been made; in one death incident, the commander of the field corps recommended indicting, but the district attorney has not yet decided. (*Ha'aretz*, 11 November)

124. On 20 November, at least 10 Palestinians were injured when IDF soldiers opened fire to quell a demonstration on the outskirts of Ramallah. The protesters demanded the release of additional prisoners. In accordance with the Sharm el-Sheikh Memorandum, Israel had recently released 350 Arab security prisoners in two groups. Ambulance drivers said that three of them had been taken to the hospital with bullet wounds. (*Jerusalem Post*, 21 November)

125. On 13 December, two Palestinians who were being sought were killed in a clash with Israeli security forces near Beit Awa village some 20 kilometres from Hebron. There were no IDF casualties in the operation. According to an Israeli security source, one of those killed was believed to be Iyad Batat, allegedly the leader of a Hamas military wing, Issadin Kassam. Batat was believed to be the No. 1 terrorist on the Israel most-wanted list. The clash occurred when IDF troops entered Beit Awa, declared the area a closed military zone and imposed a curfew. The troops surrounded a house in which the two Palestinians were hiding, according to military sources. Neighbours reported hearing gunshots while helicopters hovered overhead and searched the area. The men were killed in an exchange of automatic weapons fire, which the soldiers ended by firing anti-tank rockets at the structure. Security sources arrested several Palestinians whose homes were believed to have been used by the two deceased Palestinians. (*Ha'aretz*, *Jerusalem Post*, 14 December)

126. On 22 December, a 15-year-old Palestinian passenger riding in a passing bus at the El Aroub junction near Hebron was seriously injured when an IDF soldier fired rubber bullets. Sadi Jawabrah said

soldiers shot at the bus as it was going by and a bullet smashed through a window and hit him in the mouth, knocking out two teeth. The IDF spokesperson issued a statement saying action would be taken against the soldier who had failed to take into account the situation before firing his weapon, thus endangering passers-by. (*Ha'aretz*, *Jerusalem Post*, 23 December)

127. On 20 January, it was reported that two days earlier, Law, the Palestinian Society for the Protection of Human Rights and the Environment, had held a press conference at the Grand Park Hotel in Ramallah, presenting a summary of the Law 1999 annual report on human rights violations in the Palestinian territories. According to Law, 19 Palestinians had been killed during 1999 by Israel, 7 of them by IDF, 1 by the Israeli police, 2 by settlers and 3, who were workers, were killed after being crushed by a car. Two people had died in Israeli prisons, two others had been killed as a result of landmine explosions and another two had died after being injured during the uprising (intifada). According to the Law annual report, Israel had confiscated 40,178 dunums of Palestinian land and 15,180 trees, mostly olive, almond and fig, had been uprooted or burned during the year. (*Ha'aretz*, 20 January)

128. On 28 February, Palestinian youths clashed with IDF soldiers during a demonstration near Rachel's Tomb in Bethlehem against the characterization of Hezbollah guerrillas as "terrorists" by French Prime Minister Lionel Jospin the previous week. The soldiers had fired rubber bullets and tear gas, wounding four Palestinians, after protesters threw stones at them. (*Ha'aretz*, *Jerusalem Post*, 29 February)

129. On 29 February, it was reported that the Justice Ministry's internal affairs unit had decided that a Jerusalem police officer who had shot a Palestinian car thief at close range should be indicted for manslaughter. However, the unit had not recommended that another policeman, who had shot and injured the dead man's friend in the same incident, but from a great distance, should be indicted. Hader Badouan, 28, had been shot in the back at a range of 1 metre. According to the investigation, the lighting at the scene had been sufficient for the policeman to see that Badouan was unarmed. (*Ha'aretz*, 29 February)

6. Proposed law absolving persons of liability to compensate

130. On 9 September, it was reported that the Finance Ministry wished to set aside special compensation for Palestinians injured in the 1994 massacre at Machpela in Hebron. The Ministry had informed the Finance Committee of its intention to transfer NIS 1 million to the victims. The amount would be deducted from the total amount Israel paid the Palestinian Authority within the framework of the obligations of donor nations. Meanwhile, Hebron Mayor Mustafa Nasta had stated that, in Arabic, that type of compensation was called "Italian theft". Israel was trying to represent itself as generous, he said, but it was a generosity at someone else's expenses. "If the payment to the victims is deducted from the amount intended for the Palestinian Authority, then it is the Palestinian Authority who is paying", Nasta told *Ha'aretz*. He also said the sums intended for compensation were not worthy of attention. "Those injured in incidents or attacks in Israel should each receive a million shekels", he added. (*Ha'aretz*, 9 September)

D. Economic, social and cultural effects that such a general system of regulation and the manner of its enforcement has on the lives of the people of the occupied territories

Adults

131. On 23 August, it was reported that Prime Minister Barak had approved the recommendation regarding loosening restrictions on Palestinian workers and merchants entering Israel. This was expected to increase the number of Palestinian workers from the West Bank and Gaza Strip to some 80,000. The new rules affected, inter alia, married workers from the age of 21 with security clearance (previously 23 had been the cut-off age), as well as married merchants from the age of 21 with security clearance. It was also decided to allow hundreds of Gazans over the age of 44 to travel to Al Haram Al Sharif (Temple Mount) in Jerusalem on Fridays to worship. The Defence Ministry stated that the steps were aimed at improving the economic and social conditions of Palestinians. Currently, some 70,000 Palestinians from Gaza Strip and the West Bank have labour permits, but another 40,000 sneak in without permits. In the late 1980s the

Palestinian labour force in Israel had numbered over 100,000. According to defence officials, 17 per cent of employed Palestinians from the Gaza Strip worked in Israel, but they accounted for over 40 per cent of the earned income there. The statistic is about the same in the West Bank. (*Ha'aretz*, *Jerusalem Post*, 24 August)

132. On 24 August, it was reported that IDF was worried that worsening conditions for travellers at the Allenby Bridge crossing from Jordan to the Palestinian Authority and Israel could lead to violence, as people waited in 40-degree heat for four to six hours and directed their rage towards both Palestinian and Israeli officials on the scene. The terminal's complex bureaucratic procedures, combined with rising numbers of travellers, was resulting in unbearable conditions. Palestinians controlled the terminal, but Israel was responsible for security, so while Palestinian Authority officials took passports from travellers, hidden Israeli clerks approved or rejected the travellers. (*Ha'aretz*, 24 August)

133. On 10 December, it was reported that Palestinian activists were launching a campaign to shut down an Israeli feed additives plant in Tulkarm which they said posed an environmental and health hazard to the area. At a conference in Tulkarm organized by the Palestinian Centre for Peace and Democracy and attended by other NGOs, a resolution was passed calling upon Jordan to boycott the factory of Keshet Prima Feed Additives Ltd., just beyond the Green Line, in a portion of the Palestinian city under full Israeli control. The campaign began just one month after Suha Arafat had stunned journalists and visiting United States First Lady Hillary Rodham Clinton by blaming Israel for a host of environmental and health problems. Arafat had said 80 per cent of Palestinian water was contaminated by Israel and that this "caused widespread disease". The Environmental Ministry spokesperson stated that in the early years of the factory, which had moved to the new Tulkarm Industrial Zone in 1985, problems had been noted in terms of air pollution and storage of dangerous materials. However, according to the Ministry spokesperson, "these were corrected and today its operation is perfectly fine". "I don't trust their tests", said city engineer Rayeq Hamad. "All the officials believe the factory is situated in Tulkarm because Israelis would be unwilling to tolerate it within the Green Line." In the field behind the factory, vegetable farmer Fayez Oude said that a worker he had hired quit after three days because of the chemical smell. (*Jerusalem Post*, 10 December)

Children

134. On 20 February, it was reported that young Palestinian children were working in the western Negev under harsh conditions and for very low wages. "It is slavery", said Netivot Police Chief Rehavia Umasi, who three days earlier had arrested 28 Palestinians without permits to be in Israel, 25 of them minors. The arrest was part of police effort to prevent property offences and to locate residents of the territories in Israel without permits. The 25 children, whose ages ranged from 10 to 14, had been released after being questioned by police and taken to the West Bank. According to Umasi, many Jewish settlements within the State of Israel employed children and youth from the Hebron area. He said that hundreds of children were brought to fields at 4 a.m. and worked until 5 p.m., with barely any food. (*Ha'aretz*, 20 February)

E. General sense of hopelessness and despair

Other

135. On 22 August, it was reported that Justice Minister Yossi Beilin was initiating far-reaching changes to the proposed General Security Service law, which he said was too vague in defining GSS authority. Beilin stated he had doubts about certain articles in the bill, which passed the full Knesset in first reading the previous year, that gave GSS very broad authority. For example, one article stated that the service was entrusted with the preservation of State security, democratic order and its institutions from terrorist threats. (*Ha'aretz*, 22 August)

136. On 30 August, it was reported that the IDF had decided to toughen its dealings with Palestinians caught committing traffic violations in the West Bank and confiscate cars from Palestinian traffic offenders who did not pay their traffic fines. The Palestinian Authority had denounced the new step, which it considered too harsh. Such a harsh policy was not enforced anywhere within the borders of Israel proper. On 13 September, Tourism Minister Amnon Lipkin-Shahak visited Bethlehem and, together with his Palestinian counterpart, Mitri Abu-Aita, sought to

solve the problem of the passage of tourists between Jerusalem and Bethlehem. At times, pilgrims had been unable to visit Bethlehem and at other times they had been subject to long delays or had been forced to travel by circuitous routes. (*Jerusalem Post*, 14 September)

137. On 20 September, Minister for Jerusalem Affairs Haim Ramon met with his Palestinian Authority counterpart, Faisal Husseini. Ramon requested Husseini to fulfil agreements between Israel and the Palestinian Authority, especially with regard to Orient House, which Israel barred from holding diplomatic meetings. They also discussed easing conditions for Palestinians living in the city. (*Ha'aretz*, *Jerusalem Post*, 21 September)

138. On 5 October, it was reported that the High Court of Justice had given the State 45 days to justify the state of emergency in effect which granted the Government unconstitutional powers. In doing so, the court was responding to a request for a show-cause order by the Association for Civil Rights in Israel (ACRI), which had submitted a petition calling for the abolition of the state of emergency which had been in effect continuously since the State had come into being. ACRI had argued that the State had taken advantage of the situation since 1948 in order to infringe on human rights and the rule of law. The state of emergency enabled the authorities to introduce emergency regulations that replaced laws enacted by the Knesset and to validate draconian emergency laws. (*Jerusalem Post*, 5 October)

139. On 10 October, it was reported that the Petah Tekva Magistrates Court had extended the remand of three Alon Moreh settlers on suspicion of attacking a 55-year-old Palestinian man from Kafr Salem. A police spokesperson stated that the three would be charged. (*Jerusalem Post*, 10 October)

140. On 19 October, Israeli security forces arrested the Palestinian who had attacked an IDF soldier during a riot by scores of Palestinians at the Ayosh junction the previous December, according to an IDF spokesperson. Nabil Hamoud was arrested when he entered Israel illegally and confessed to taking the soldier's gun, the spokesperson stated. (*Jerusalem Post*, 20 October)

141. On 21 October, it was reported that at a meeting of the Jerusalem Regional Planning Committee, Jerusalem Mayor Ehud Olmert had said that the most important task in the coming years was to increase the numbers of the Jewish inhabitants within the city limits. He had also said it was important to include "green areas", open areas for parks or nature reserves, in the plans. He had made little mention of any particular vision to develop the eastern part of the city, whose infrastructure was in dire straits. Over the coming year, the Steering Committee, in conjunction with the Jerusalem Regional Planning Committee, was to research and develop an official plan. Building was to begin at the end of 2000 and continue through 2020. (*Jerusalem Post*, 21 October)

142. On 21 October, the High Court of Justice confirmed that Israel's courts would not hear suits submitted by the Palestinians against the State or any of its institutions if they related to areas of responsibility subsequently transferred to the Palestinian Authority, in accordance with clauses 7 and 8 of the bill on implementation of the Interim Agreement between Israel and the Palestinian Authority. The Court had made this clear by rejecting two petitions submitted by two Palestinian families from Hebron, calling for the scrapping of those clauses. The main claim raised by the petitioners was that they would not be given a fair hearing in the Palestinian judiciary, but the High Court had ruled it had not been presented with any real evidence to support the claim. The two petitioning families had filed suits in the district courts of Jerusalem and Haifa requesting punitive damages for faulty treatment they had received in an Israeli/Civil Administration hospital in the West Bank. Although the suits had been submitted before the law on implementing the Interim Agreement had gone into effect, the hearing had not begun. (*Ha'aretz*, 22 October)

143. On 24 October, it was reported that Egypt and Jordan were planning to hold a meeting in Ramallah with officials of the Palestinian Authority to discuss the Palestinian refugee issue and coordinate positions in advance of the final talks, a Palestinian Authority source close to the negotiations stated. A spokesperson for the Israeli Foreign Ministry stated that Foreign Minister David Lavy saw no reason for him to attend such a meeting since the refugee issue was to be discussed in committees, not on the ministerial level. Israeli sources had stated that Prime Minister Ehud Barak was also working on the refugee issue, and that he was especially interested in ideas drawn up by Justice Minister Yossi Beilin and Arafat's deputy Mahmoud Abbas. They were apparently suggesting that Palestinian refugees should be allowed to return to

the Palestinian areas without Israel's approval. The two had apparently discussed setting up an Israeli fund to help resettle the refugees as a form of compensation. Israel refused to allow Palestinian refugees to return to their homes in Israel proper, and it had said it wanted a say in how many 1967 refugees would be allowed to return to the Palestinian Authority territories. The position of the Palestinian Authority officials was that the Palestinians should be allowed to return to their homes whether in Israel or the Palestinian areas. The Palestinian Authority also wanted Israel to compensate the 1948 refugees who did not want to return to their homes in Israel and demanded that Israel pay compensations to all refugees for their suffering and economic losses. (*Jerusalem Post*, 24 October)

144. On 28 October, it was reported that a plan to supply an additional five megawatts of electricity to Gaza that had been shelved for three years had been recently approved by Prime Minister Barak. Major General Ya'acov Orr, the government coordinator of activities in the occupied territories, had met with Jamil Tarif, the Palestinian Authority Minister of Civil Affairs, to discuss implementation. The line was to be operating in three weeks and would greatly alleviate the frequent power cuts that had been occurring in the region. In addition, by July 2000 the first high-tension line was to be operating between Israel and the Gaza Strip, supplementing the Palestinians' first power station. (*Jerusalem Post*, 28 October)

145. On 1 November, it was reported that a first study ever to be carried out on cooperation between Israelis and Palestinians in the health field had revealed strong support and cooperation. The landmark research, conducted by the JDC-Brookdale Institute and Al-Quds University in Jerusalem, had studied 148 cooperative projects involving 68 different organizations. At a seminar to discuss the study, participants had examined bilateral projects on training research, service development and service provision carried out by non-governmental service organizations, universities and human rights organizations. (*Jerusalem Post*, 1 November)

146. On 2 November, it was reported that a high-ranking security official had told the *Jerusalem Post* that the wholesale market situated near Hebron's Avraham Avinu quarter would remain closed until the Palestinian Authority met Israel's demands, including for building a wall separating the market from the entrance to the Jewish quarter. Meanwhile police had prevented Peace Now activists from reaching Hebron, where they planned to show support for the peace process and the opening of Shuhada Street to Palestinian vehicles and to protest the failure to open the wholesale market. (*Jerusalem Post*, 2 November)

147. On 3 November, Jewish Agency Chairman Sallai Meridor responded harshly to the proposed Knesset bill that would amend the Citizenship Law to grant automatic citizenship to first-degree relatives of all Israeli citizens, thus easing the naturalization of thousands of Palestinians. The bill was announced by Knesset member Ahmad Tibi (Balad). Meridor said that the proposed amendment would "prevent Israel from maintaining its Jewish character, the very basis of the State". (*Jerusalem Post*, 4 November)

148. On 14 November, it was reported that Israel had decided to relax security checks on Jordanian goods delivered to the West Bank and allow Jordanian trucks to enter the West Bank directly without transferring to Palestinian trucks at the border passage. Israel had previously rejected any such possibility for security reasons. (*Ha'aretz*, 14 November)

149. On 29 November, following a meeting of the Knesset Foreign Affairs and Defence Committee, Prime Minister Ehud Barak said that no Palestinian refugee would be resettled in Israel under the final status agreement. He told reporters that he assumed that an international agency would be established to resettle refugees in the Palestinian entity, but that Israel would not be taking any responsibility for the refugees. He said that the final status agreement would put an end to the demands for the return of refugees to Israel. (*Ha'aretz*, *Jerusalem Post*, 30 November)

150. On 2 December, it was reported that Prime Minister Barak had decided not to object to the opening of a new entrance to an underground prayer hall in the Al-Aqsa Mosque compound on the Temple Mount, according to his spokesperson. The previous summer, Barak had moved swiftly to seal an opening which Muslim clerics had made in the outer wall of the compound, saying it was a violation of the status quo. According to reports, Barak felt that the new exit was necessary for safety reasons. Officials in the Waqf (Islamic trust) said they had opened the entrance without awaiting Barak's decision. Waqf Director Adnan Husseini said the exit would be ready by the next holy month of Ramadan, during which mosques were especially crowded. Husseini said the Waqf had

first tried to open the exit during the previous year's Ramadan, but had been barred to do so by the Government. However, it was reported in *Ha'aretz* that Attorney General Elyakim Rubinstein, at a debate hosted by Internal Security Minister Shlomo Ben Ami focusing on the work recently undertaken by the Waqf, had opposed the opening of the new exit, saying, inter alia, that "we have a tolerance for ritual, but we must tell the Waqf and the Muslims that we too have a history. You will not trample our history." (*Ha'aretz*, *Jerusalem Post*, 2 December)

151. On 2 December, it was reported that Israel had agreed to allow the return of several thousand Palestinian refugees currently living in Egypt to the area controlled by the Palestinian Authority in Gaza. The agreement referred to the Canada refugee camp in the town of Rafah on the Gaza-Sinai border. After the 1967 Six-Day War, many of the camp's inhabitants had crossed the old international border with Egypt and taken up residence on the Egyptian side of the border. Following the signing of the Camp David accords in 1978, the camp, which in the meantime had grown larger, had been split in two and thousands of residents had remained in the area that was returned to Egypt. According to Israeli security sources, the move involved a prior commitment and had nothing to do with the debate over the right of return of Palestinian refugees or the absorption of refugees in the territories of the Palestinian Authority. (*Ha'aretz*, 2 December)

152. On 11 January 2000, it was reported that the Palestinian negotiators had reiterated their demand for the "right of return" at the current year's first official session of the final status talks, saying that Israel must allow 3.7 million Palestinian refugees and their offspring to return to their homes. "The Palestinians demand the right of return for all 1948 refugees, and compensation for those who do not want to return to Israel", Yasser Abed Rabbo, Palestinian chief negotiator, had stated after the meeting with the Israeli negotiators in Ramallah. Israeli negotiators still rejected the idea of Palestinians returning to their homes inside Israel, Abed Rabbo said. The Israeli chief negotiator, Oded Eran, had refused to speak to reporters after the meeting. However, Israeli sources said that Prime Minister Barak was considering a compromise based on ideas discussed in the past between Justice Minister Yossi Beilin and Palestinian Authority Chairman Yasser Arafat's deputy, Mahmoud Abbas. The two had discussed setting up an Israeli compensation fund to help the Palestinian Authority resettle Palestinian refugees in the areas. Israel would not limit the number of refugees permitted to return to the Palestinian Authority-controlled areas, but would demand that the Palestinian Authority give up the refugees' claim of right of return to Israel. (*Jerusalem Post*, 11 January)

153. On 12 January, it was reported that, according to a bill submitted by a Likud Knesset member and co-signed by another 60 Knesset members, the return of Palestinian refugees would require approval by two thirds of the Knesset. The Likud Knesset member who had initiated the bill said the law needed to be passed soon, since Israel and the Palestinians had launched final status talks that would include discussions on the status of refugees from the 1948 and the 1967 wars. Under the bill, the Government would be forbidden to make any commitment or agreement on the right of return without conditioning it on the approval of 80 Knesset members. The bill would allow the issuance of up to 100 permits annually for refugees to return based on humanitarian reasons. (*Ha'aretz*, *Jerusalem Post*, 12 January)

154. On 16 January, it was reported that widespread arrests of Islamic Jihad activists in the West Bank suspected of planning terror attacks in Israel had been carried out by IDF forces and the General Security Service in the previous week. Security forces said over a score had been arrested during the crackdown, adding that 20 activists had been arrested several days earlier in the Jenin, Ramallah and Hebron areas. (*Jerusalem Post*, 16 January)

155. On 18 January, it was reported that Israeli police had arrested two Palestinians from the village of Al-Fawar in the southern Hebron Hills, in Area B (under Israeli security control and Palestinian civil control), whom they suspected of dealing in arms. During the arrest of suspects, security forces had confiscated four pistols, two rifles, 10 magazines and hundreds of bullets. (*Jerusalem Post*, 19 January)

156. On 25 January, Israeli soldiers prevented construction work at a public garden in Khan Younis. The site had been used as a garbage dump. Khan Younis Mayor Usama Fara said that the measure by the army contradicted the peace accords. (*The Jerusalem Times*, 28 January)

157. On 28 January, it was reported that a new study by the European Commission on economic relations

between Israel and the Palestinian areas suggested that trust and cooperation were missing in this relationship, which accounted for the current strained economic relations. It also claimed that Israel had transferred to the Palestinian Authority funds collected in taxes on goods and labour, when in reality Israel had withheld those taxes since 1996. Israel and the Palestinians had held intensive talks to resolve this matter but to date they had been unable to bridge the gap between them. The report, entitled "Evaluating the Paris Protocol", reviews the Paris Economic Protocol signed between the PLO and Israel in 1994 and discusses the success and failures of the Protocol with reference to each of the four economic blocs singled out in it: labour issues, trade relations, fiscal issues and monetary arrangements. The Protocol advocated the normality of movement, by which it was seeking to maintain regular Palestinian employment in Israel but subject to Israeli discretion. The report said that in the short run, it was essential for Palestinian workers to have access to the Israeli labour market if massive unemployment and poverty in the Palestinian territories were to be avoided. Had the parties shown trust and cooperation, according to the report, the Protocol would have provided the framework for the mutually beneficial employment of Palestinians in Israel. With regard to trade issues, the report said that the most essential requirement for the development of the Palestinian territories in the longer term was free access to the outside world for trade purposes. The Paris Protocol had advocated this and set up a customs union, between Israel and the Palestinian Authority areas, with some caveats. But things had not worked out as hoped and trade had stagnated, according to the report. The main problems lay once again with border closures and related Israeli security concerns. As to the fiscal transfers, the report said that, according to the Paris Protocol, part of the money paid by the Palestinian workers working in Israel should be transferred to the Palestinian Authority because it provided the benefits that the taxes usually financed. Money paid as purchase tax for imports should also be returned, because, as agreed, liability was calculated according to the destination principle in trade. The report also claimed that in the case of social security transfers, large amounts of money in Israel were awaiting the setting up of the relevant Palestinian institutions before they would be transferred. This included the pension contributions of Palestinian workers in Israel. The report recommended that the Palestinian Authority should speed up setting up these institutions. (*The Jerusalem Times*, 28 January)

158. On 25 January, it was reported that IDF troops had arrested seven Palestinians from the Kalandia refugee camp near Ramallah suspected of being involved in stoning cars and security forces on the Jerusalem-Ramallah road. The IDF spokesperson said that the seven (all except one were in their early 20s), were not affiliated with any terrorist organization. (*Jerusalem Post*, 26 January)

159. On 20 February, it was reported that the sewage system of homes in the West Bank settlement of Adam, east of the Jerusalem neighbourhood of Neve Yaacov, was seriously contaminating the springs feeding into Wadi Kelt, causing a stench and killing animal life, according to an investigation by the Nature Reserves and National Parks Authority. The contamination of Wadi Kelt, some parts of which were controlled by Israel and others by the Palestinian Authority, had been spreading, and there was concern in some quarters that it could reach the Ein Kelt spring, at the eastern end of the Kelt stream. (*Ha'aretz*, 20 February)

160. On 26 February, Papal Nuncio Pietro Sambi justified Vatican demands for international guarantees for the holy places in Jerusalem by suggesting that Israel was denying religious freedom to Palestinians by not allowing them free access to Jerusalem at all times. Speaking in an interview on Channel 1, Sambi was reacting to criticisms of the agreement between the Holy See and the Palestinians, which included a call for such guarantees. "You know that not all Muslims from Gaza can go to [Al-Aqsa] Mosque and not all Christians from Bethlehem can go to the Church of the Holy Sepulchre whenever they want to", Sambi said. (*Jerusalem Post*, 27 February)

III. Situation of human rights in the occupied Syrian Arab Golan

161. On 17 September, it was reported that more than 100 religious leaders from the Golan Heights had complained that Israel security personnel had treated them disrespectfully when they had crossed the border from the Syrian Arab Republic the day before. Personal items including holy books had been tossed to the ground and holy objects had been confiscated, the Sheikh said. (*Ha'aretz*, 17 September)

162. On 23 September, it was reported that, according to Golan Regional Council head Yehuda Wolman, a new neighbourhood of 52 homes was to be built in the Golan Heights. The homes slated for the Bnei Yehuda settlement were to be erected by private contractors. The Housing Ministry spokesperson stated that the project had been approved by the previous Government of Netanyahu. He also said that the Government had begun cutting State funds — $2.5 million in 1999 and $22 million in the 2000 budget — that had been earmarked for the Golan settlements. (*Ha'aretz*, *Jerusalem Post*, 23 September)

163. On 29 September, it was reported that Prime Minister Barak had told visitors that any agreement with the Syrian Arab Republic would require "some painful concessions" on Israel's part. "I can tell you that there is no formula worked out yet which will allow for the resumption of talks with Syria", Barak was quoted as saying, "but I don't want to mislead anybody, for an agreement with Syria means very painful concessions on the Golan Heights." It was reported that the Golan residents committee was planning to bring 1 million visitors to the region in coming months as part of a campaign to win public support against any withdrawal from the Golan. (*Jerusalem Post*, 29 September)

164. On 8 October, it was reported that the Golan Heights settlements were to be classified "priority area A" in the Government's new map of priority areas, which had been put together over the last month in the Prime Minister's office. Prime Minister Barak had confirmed this information to *Ha'aretz*. According to Barak, the government map of national priority areas would include the Negev, the Galilee, the Jordan Valley, poor neighbourhoods of the large cities and the Golan Heights settlements, which would receive an additional allocation of funds to ensure their security in wake of the Sharm el-Sheikh Memorandum. (*Ha'aretz*, 8 October)

165. On 11 November, it was reported that the Katzrin local council was planning the construction of a new hotel in Katzrin. The Israel Land Administration has been asked to allocate land for the hotel and a private developer had agreed to build it. The project had been proposed three years earlier, but later dropped. Sami Bar Liv, Mayor of Katzrin, stated that "Katzrin is an excellent city for tourism, and I don't think there will be any problem, although bureaucratic problems can always come up". (*Ha'aretz*, 11 November)

166. On 15 December, Knesset member Saleh Tarif called upon Prime Minister Barak to rescind the citizenship of several hundred persons from the Golan Heights who had been attempting to return their identity cards. (*Ha'aretz*, *Jerusalem Post*, 16 December)

167. On 3 January 2000, it was reported that, one hour before leaving the United States for talks with the Syrian delegation, Prime Minister Barak had met with members of the "National Council for the Golan". According to reports, he had assured the settlers that the only agreement Israel would sign was one that strengthened the country's security. The assessment in One Israel party circles was that Barak's meetings with opponents of a Golan withdrawal before each round of negotiations were aimed at foreign consumption and were meant to send a tough message to the Syrian Arab Republic and others. (*Ha'aretz*, *Jerusalem Post*, 3 January)

168. On 3 January, it was reported that activists had organized a rally in Magdal Shams to send a message to negotiators that Israel should release 17 prisoners. During the rally, a crowd of 300 people had listened to the Syrian national anthem. "Israel used to punish those who hoisted the Syrian flag, but now it ignores us because Israel was forced to admit that the Golan Heights are part of Syria", said Yaman Abu Jabal, 33, who had served 12 years in Israeli prisons for blowing up army weapon stores. The Syrian flag, banned for decades, fluttered in the streets of Magdal Shams without triggering a tough reaction by the Israeli police. Most activists welcome their return to the Syrian Arab Republic because they would be able to reunite with their relatives. Fahkr El-Din said that his fiancée Kamilya had been forced to leave the Golan Heights after he had been arrested in 1974. "She is now a professor at Damascus University. She would be stupid if she is still waiting for me", said El-Din, who has since married and now has children. Attalah Al-Wali may not be able to visit his son in an Israeli prison if Israel does not release him as part of the future agreement with the Syrian Arab Republic. (*The Jerusalem Times*, 3 January)

169. On 13 January, it was reported that Prime Minister Barak wanted the Syrian Arab Republic to permit Israeli settlers on the Golan Heights to remain in their homes even after the signing of a peace treaty and the transfer of the territory to Syrian sovereignty, as could be inferred from the draft peace treaty that the

United States had submitted the week before to the parties in the Shepherdstown talks. A copy of the document had been made available to *Ha'aretz*. An authoritative political source had confirmed that Barak believed that Israelis were entitled to live in the Golan, just as Arabs lived in Israel. (*Ha'aretz*, 13 January)

170. On 14 February, a demonstration by hundreds of persons from the Golan Heights in Majdal Shams turned violent when protesters hurled stones at police, who responded by firing plastic bullets and tear gas. The demonstration was marking the 1981 strike to protest the Government's decision to issue them identity cards following the extension of Israeli law to the Golan. A six-week strike had been staged at the time as part of their refusal to accept the Israeli ID cards, and the events had been marked by them on the same day ever since. The current demonstration started when hundreds of protesters congregated in the main square in Majdal Shams. Unlike previous years, police were not out in force in the village square, although they did monitor the proceedings from the outskirts of the town. According to local residents, two individuals were hurt and another was overcome by tear gas. (*Ha'aretz*, *Jerusalem Post*, 15 February)

171. On 23 February, it was reported that Israel had approved the construction of 27 new vacation cottages on the Golan Heights and would continue building as long as no agreement had been conducted with the Syrian Arab Republic, according to an aide to Prime Minister Barak who was speaking to reporters. In addition to the 27 vacation cottages in Kibbutz Kfar Haruv, the director-general of the Prime Minister's office, Yossi Kucik, said that more building plans would be released in the near future. (*Jerusalem Post*, 23 February)

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General

Addendum

The present report contains a summary of articles and reports received during the period from March to July 2000. Articles or reports of an urgent nature are mailed to the members as soon as they are available.

In preparing this summary, the following newspapers have been taken into account: *Ha'aretz* (Hebrew-language daily); *Jerusalem Post* (English-language daily). Reference to reports appearing in other newspapers is made when they contain relevant material not found in these newspapers. The terminology used in the summary for the most part reflects that found in the original version of the reports summarized.

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I. Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem

A. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem

1. Restrictions relating to land, housing and water

Land

1. On 20 March 2000, it was reported that the Israeli Cabinet, had approved the day before revised maps for the long-delayed withdrawal from 6.1 per cent of the West Bank. The decision paved the way for a handover the following day, according to which the Palestinian Authority would be left in full control of some 60 per cent of the Palestinian population area, including all the large towns. Once the transfer was completed, the Palestinian Authority would be in full control of 18 per cent of the West Bank and in partial control of 21.7 per cent. It would also have full or partial control of 98 per cent of the Palestinian population. Different withdrawal maps, which included less populated land, had already been approved by Prime Minister Ehud Barak the previous month, and then had been rejected by the Palestinians. The revised maps, approved by a vote of 16 to 6, were the outcome of negotiations and had already been accepted by Palestinian Authority President Yasser Arafat. The pullback would turn 5.1 per cent of Area B (Palestinian civilian control, Israeli security control) into Area A (full Palestinian control), while another 1 per cent under complete Israeli control (Area C) would be transferred to Area A. (*Ha'aretz*, *Jerusalem Post*, 20 March)

2. On 21 March, regional commanders of the Israel Defence Force (IDF) met with their counterparts to redraw the West Bank maps reflecting the transfer of 6.1 per cent of the region's land to full Palestinian control. This marked the implementation of the final stage of the second territorial withdrawal. No IDF bases were dismantled and the transfer did not necessitate a change in the deployment of the IDF troops in the West Bank. The Palestinian Authority thus had full control of 18 per cent of the West Bank and partial control of 21.7 per cent. The territories included a large chunk of land around Hebron and slivers of areas near Bethlehem, Ramallah, Nablus and Jenin. The area under control around Jericho was expanded almost up to Moshav Na'ama. The previous day IDF had begun putting up signs warning Israelis of the new borders of the territory of the Palestinian Authority. (*Ha'aretz*, *Jerusalem Post*, 22 March)

3. On 10 April, it was reported that Prime Minister Ehud Barak had said that while Ma'aleh Adumim , Givat Ze'ev, Gilo and Ramot would be part of the united Jerusalem in the future, there was "no interest" in annexing the approximately 50,000 Palestinians living in the villages on the outskirts of the capital, such as Abu Dis and Anata. Barak told his Cabinet that most areas designated Area B (under Palestinian civil control) would be transferred to full Palestinian control under the permanent-status agreement. He said that the Palestinian entity should be as contiguous as possible, so that Palestinians should not have to go through roadblocks to go from one part to another and their leaders should not need permission to leave its borders. (*Jerusalem Post*, 10 April)

4. On 12 May, it was reported that Palestinian Authority officials had confirmed a report in the Israeli newspaper *Ma'ariv* the previous day that Israel had offered it a land transfer in stages, starting with the creation of a State on 66 per cent of the West Bank in September 2000, and possibly another 14 per cent of the land in the Jordan valley in another couple of years. (*Jerusalem Post*, 12 May)

5. On 15 May, the Knesset approved the transfer of three Palestinian villages on the outskirts of Jerusalem — Abu Dis, Azzariye and Sawahara — to full Palestinian Authority control. The vote was 56 to 48, with one abstention. However, to gain passage of the measure, Prime Minister Ehud Barak had to gain the support of the liberal Shinui Party and Arab parties that were not part of his coalition, since opposition parties had been joined by parliamentarians from Shas and the National Religious Party in voting against the coalition, of which they formed a part. Under the Knesset decision, the three villages, heretofore under both civil control and Israeli military control, would be designated as Area A villages, under full control of the Palestinian Authority. However, Prime Minister Barak announced that the handover would not be implemented until there was a full investigation of the circumstances that had led to the outbreak of what was termed the worst violence in years in the West Bank and the Gaza Strip. (*Ha'aretz*, *Jerusalem Post*, 16 May)

6. On 26 May, it was reported that Israeli Cabinet Ministers had approved a scheme to set up a 176-dunam (44 acres) national park on the slopes of the Mount of Olives. According to the *Jerusalem Post*, this would significantly advance right-wing efforts to cut off the capital's Old City from the rest of Arab East Jerusalem. The plan's approval brought to an end years of secret work by Jews, headed by Knesset member Benny Elon (National Union — Yisrael Beiteinu). The park was said to be just one of 17 projects aimed at creating Jewish contiguity around the Old City. The project would eventually lead to an unbroken Jewish presence from Highway No. 1 at Shimon Hatzadik through to Abu Dis, according to the *Jerusalem Post*. To "free up" the area in advance of the declaration of its status as a national park, Elon and his associates had spent several years persuading the Israel Land Administration, currently the majority property owner, to commence land expropriation. Originally the plot had been entirely Arab-owned. According to Elon, some segments of the park were still Waqf property, but the formalization of the green zone ensured that nothing could be built in the park. The Minister with responsibility for Jerusalem, Haim Ramon, said that he had no knowledge of the park and would only comment if and when its details were made public. The *Jerusalem Post*, however, understood that Ramon was aware of many of Elon's projects, including some not yet made public. (*Jerusalem Post*, 28 May)

7. On 2 July, Attorney General Elyakim Rubinstein explained that he fully agreed that Security Council resolution 242 (1967) applied to the Israeli-Palestinian conflict as well as to Israel's disputes with other Arab countries, but that did not mean that Israel had to withdraw from all the territory in the West Bank and Gaza. Rubinstein was interviewed on *Army Radio* and was asked to explain the distinction he had made the previous week regarding the application of resolution 242 (1967) in settling the Israeli-Palestinian conflict and Israel's territorial settlement with Egypt, Jordan and Lebanon. "Whereas there was a common reference point in the negotiations with Egypt and Jordan regarding the historic international boundary in one form or another", he said, "there was no such border when it came to the Palestinians, there was no reference line such as the ceasefire line, and the 1949 armistice line was certainly not an international boundary." (*Jerusalem Post*, 3 July)

8. On 5 July, it was reported that the previous day a joint panel of members of the Knesset Law and Internal Affairs Committee had approved on first reading an amendment to the Basic Law on Jerusalem, defining the borders of the city and barring the turning over of any parts of it or of any national or municipal prerogatives over it to a foreign entity. The initiator of the bill, Yehoshua Matza (Likud), had made it clear he was referring to the reports of possible custodial or limited self-government arrangements with the Palestinians in the framework of a peace treaty, including granting the Palestinian Authority control of the Temple Mount or allowing broad autonomy in the Palestinian neighbourhoods of Jerusalem. Matza's bill, which had been sponsored by 80 Knesset members, had been approved in the plenum in preliminary reading on 17 May by a vote of 68 to 21. Minister for Jerusalem Haim Ramon (One Israel Party), the Cabinet liaison with the Knesset, told the plenum on the eve of the vote that the Government supported the bill. (*Ha'aretz*, *Jerusalem Post*, 5 July)

9. On 7 July, a senior IDF officer stated that a local land dispute near the settlement of Elon Moreh, east of Nablus, could have consequences going well beyond the small area in contention. A few months previously the residents of Elon Moreh had set up a roadblock on an access road to the settlement, close to the original entrance gate. Settlement security officials had instructed guards manning the roadblock to turn back vehicles driven by Palestinians. This denied residents of the three nearby Palestinian villages of Deir al-Hatab, Silam and Azmut free access to their farmlands adjacent to the settlement. IDF officials said that the roadblock had been erected without authorization; but IDF had done nothing. According to *Ha'aretz*, the Nablus area was rife with land disputes, some of which had recently generated violent clashes between Palestinians and Israelis near the settlements of Bracha and Itamar. (*Ha'aretz*, 7 July)

10. On 30 July, it was reported that Prime Minister Ehud Barak had assured his Cabinet that neither he nor any Prime Minister to follow him would agree to transfer control of the Temple Mount to the Palestinians. "Although Israel respects the importance of the Muslim holy sites and is willing to acknowledge a Muslim authority there, sovereignty cannot be given away, and this is the site of our Temple", Barak told the ministers. (*Jerusalem Post*, 31 July)

Settlements

11. On 3 March, it was reported that the Palestinian Authority would take action against a plan by the Israel Land Administration for renewed construction in the area of the abandoned village of Lifta, on the western outskirts of Jerusalem. The village had been vacated in 1948 and groups of hippies had been using it for temporary housing. The Israel Land Administration was planning to preserve part of the village and build 140 cottages on the rest of the land as part of a tourist area. A Palestinian organization, the Managing Committee of the Lifta Welfare Association, had announced the previous day that refugees from the village had decided "to oppose the decision by the occupying authorities to destroy the village of Lifta in West Jerusalem for the purpose of building a Jewish neighbourhood for the rich". They added that their protest stemmed from the fact that "both sides of Jerusalem are part of the negotiating process towards the final status agreement". Some months earlier, the Palestinian Authority had completed a collection of documents regarding over 6,000 assets allegedly belonging to Palestinians in West Jerusalem. (*Ha'aretz*, 3 March)

12. On 16 March, it was reported that 13 settlements in Gaza, the Golan Heights and the Jordan valley had been included on a list of 38 communities nationwide to be entitled to income tax benefits, according to a decision reached the day before by the Knesset Finance Committee. According to the list, the settlements which would receive a 7 per cent discount were Gush Katif's Gan Or, Bni Atzmon, Pe'at Sadeh and Neveh Dekalim. On the Golan Heights, the new settlements on the list were Kela Alon, Kanaf, Had Nes and Meizar. The Jordan valley settlements were Beit Ha'arava, Himdat Na'ama, Yafit and Shadmot Mihola. Meretz Knesset member Mossy Raz, former head of Peace Now, said his party would vote against the "intolerable" addition in the plenum vote. Prime Minister Barak had been elected "to change the order of priorities, and not to continue giving preference to the settlements given under the Netanyahu Government", he said, adding that the list of 13 settlements came in addition to 115 that were already receiving discounts. (*Jerusalem Post*, 16 March)

13. On 20 March, it was reported that Jewish investors were planning to build some 5,000 housing units on land bought from three Arab families of Walajeh village on the southern outskirts of Jerusalem. About half of the land fell within the jurisdiction of the Jerusalem municipality, while the other half was in Area C of the Palestinian Authority. Walajeh had been mentioned as an area that might be handed over to Palestinians as part of the final status accord. Several months earlier, Palestinian Minister Saeb Erekat had visited the mosque in Walajeh and warned the villagers not to sell land to Jews, stressing the strategic importance of the area for the Palestinians. Despite earlier talks regarding the transfer of Walajeh to the Palestinians under the final status accords, Jerusalem city planning officials and Housing Ministry experts said that it would only be natural to construct a Jewish neighbourhood on the newly acquired land. When the land sale was being discussed in the early 1990s, the then Prime Minister Yitzhak Rabin had expressed his support for this Jewish expansion in Jerusalem. He had directed IDF to plan an access road from Har Gilo to Ein Yael, although planned, it had never been built. Walajeh lay south-west of Gilo, with 2,650 dunums located within the boundaries of the Jerusalem municipality and 2,200 dunums in Area C of the Palestinian Authority. The village had originally been located in the area settled by Moshav Ora. Under an agreement between Moshe Dayan and Abdallah Tal in 1950, the residents of the village who remained under Israeli control had been transferred to Jordan. After the Six-Day War in 1967, only 30 families lived in the village, but a building boom had begun in the 1980s and Walajeh currently had about 200 homes and 1,000 residents. (*Ha'aretz*, 20 March)

14. On 28 March, it was reported that Prime Minister Barak's office had, after modifying an initial decision to freeze building on the site, said that the fate of the 230 housing units slated for construction in Har Gilo south of Jerusalem would be determined in a week's time. The Prime Minister's office stated: "In response to the recent report in the media of a new neighbourhood in Har Gilo, the Prime Minister has ordered an examination of the issue to be conducted in a positive manner and finalized within a week." (*Jerusalem Post*, 18 March)

15. On 1 April, Palestinian schoolchildren in the village of Walaje near Bethlehem demonstrated against settlement construction in their village. (*Ha'aretz*, *Jerusalem Post*, 2 April)

16. On 2 April, it was reported that 12 Jewish families were expected to join the 54 already in Hebron

to coincide with the 32nd anniversary of Jewish settlement in Hebron since the occupation of the West Bank by Israel in 1967. The families would move into two buildings built during the tenure of former Prime Minister Binyamin Netanyahu. To mark the Hebron anniversary a ceremony would be held in Jerusalem attended by the Housing Minister and the former Chief Rabbi. The VIPs were expected to speak at the event. A letter of congratulations from Prime Minister Barak to the leaders of the settlers in Hebron was expected to be read out. The Prime Minister's letter caused political uproar on the Left and Peace Now was planning a protest outside the hall. "It is the right of Jews to live in peace in the city of our forefathers, protected and safe from all harm", Barak wrote in his letter to the settlement leaders. The Director of Peace Now charged in a statement that the Hebron Jewish community was "a hard core of settlers who have proved numerous times in the past that they are not interested in coexistence". (*Ha'aretz*, *Jerusalem Post*, 2 April)

17. On 4 April, it was reported that in response to government policy and the "drying up" of communities in Judea, Samaria and Gaza, settler leaders had voted the previous day to launch a campaign that would include establishing new outposts and demonstrating at highway intersections. A major bone of contention, said a settler, was the previous week's High Court of Justice ruling that allowed 85 Bedouin to return to their cave dwellings surrounding Maon Farm in the south Hebron Hills. Following the ruling, settlers had hoped that Prime Minister Barak would allow the Jewish families evicted from Maon Farm in November 1999 also to return. It was further reported that the Hebron Jewish community the previous night had held a gala event at the Jerusalem International Convention Centre to celebrate 32 years since the "renewal of the Jewish presence" in the city. Peace Now demonstrators had protested outside, objecting to the letter Barak had sent to the settlers the week before congratulating them on the occasion. Peace Now also protested the Education Ministry's subsidization of the event. (*Ha'aretz*, *Jerusalem Post*, 4 April)

18. On 6 April, it was reported that settler leaders had returned the previous day to the site of Maon Farm in defiance of orders declaring the zone a closed military area. The settlers had been evicted from the site south of Hebron several months before as part of a compromise with Prime Minister Barak over the dismantling of settlement sites that had not been approved by the Government. (*Jerusalem Post*, 6 April)

19. On 7 April, it was reported that IDF early the previous day had removed from Maon Farm a group of settler leaders and others who had joined them during the night. The settlers said that, following a High Court decision the previous week to allow a group of Palestinian cave dwellers to return to their homes near Havat Maon, the Prime Minister's decision to evacuate the settlers should be also overturned. (*Ha'aretz*, *Jerusalem Post*, 7 April)

20. On 12 April, it was reported that the Council of Jewish Settlements of Judea, Samaria and Gaza would break ground on a construction project at a site in the Gush Etzion area, where Prime Minister Barak had ordered construction work to be frozen. On the previous day, the Council had sent seven bulldozers and a number of trucks to the Gush Etzion site, Givat Hazayit at Efrat, where the first stage in the building of a new neighbourhood in the town was being completed. Settlers had obtained almost all the necessary permits to start work in the neighbourhood's second stage (350 housing units), but they lacked authorization to sell plots in the area. Five years previously, Prime Minister Yitzhak Rabin had approved the start of construction at Givat Hazayit. Housing Minister Yitzhak Levy had telephoned the settlers at the site and told them he would do everything possible to assist them. (*Ha'aretz*, *Jerusalem Post*, 12 April)

21. On 13 April, it was reported that settlers and Peace Now activists were waging a war of megaphones in Har Gilo, with each side accusing the other of provocation as bulldozers drilled the ground where 230 housing units were slated to be built. Continuing their battle against the construction freeze imposed by Prime Minister Barak, settler leaders reached the site just south of Jerusalem where infrastructure work had been halted by the Government three weeks earlier. Shaul Goldstein, head of the Gush Etzion Regional Council, said Har Gilo was only 200 metres from Jerusalem's municipal boundary. He called on the Government to strengthen the communities in the Greater Jerusalem area and ensure land contiguity. Pinhas Wallerstein, head of the Binyamin Regional Council, said all the work at the site was legal and that a Civil Administration official, who had arrived at the site the previous day, had approved the maps and allowed the work to continue. Peace Now spokesperson Didi Remez charged "there are 11,000 units, some empty

and some under construction in the West Bank; this is an obvious attempt by the settlers to prevent any final settlement with the Palestinians". (*Jerusalem Post*, 13 April)

22. On 17 April, it was reported the Deputy Defence Minister Ephraim Sneh had begun examining the legality of work being carried out by the settlers in Har Gilo and in Givat Hazayit, in the Efrat settlement. At Har Gilo construction of 230 housing units was planned on a tract of land bordering Walaja, while at Efrat 350 units were planned as part of the second stage of construction in an existing neighbourhood where families already lived. According to the Sneh spokesperson, "the issue is complex and has to be thoroughly examined before Sneh informs the Prime Minster of the decision". It should be noted, however, that Civil Administration officials did not stop the work being carried out by the settlers because it was considered legal. The Civil Administration spokesperson: "We will implement any decision made. There is no legal basis to stop the work at the site, as it is taking place within authorized planning schemes and [stopping it] would require a directive from the Defence Ministry." (*Jerusalem Post*, 17 April)

23. On 18 April, it was reported that settler leaders had come away disappointed from a meeting the previous night with Prime Minister Barak, although he had assured them that under a final-status agreement the majority of the communities in Judea and Samaria would remain in large settlement blocks under Israeli sovereignty. (*Jerusalem Post*, 18 April)

24. On 28 April, it was reported that a group of settlers and right wing extremists had attempted to pray at a cave they claimed was the tomb of the Ramban — Talmudist, Kabbalist, and Bible commentator — in the Jerusalem neighbourhood of Sheikh Jarrah, causing a scuffle with Palestinian residents. The Abu Jabin family said it had a court order supporting its right to the cave. Several days earlier, the Jerusalem District Court had ruled that the family could build a fence around the property, but the previous morning, Knesset member Beni Ayalon (National Union) had requested and received permission from the Court to open the gate to allow Jews inside to pray. The settlers, most of whom identified with the right-wing Moledet Party, claimed the cave was where the Ramban had been buried in 1270. However, the location of his burial site was unknown: some believed he was buried at the foot of Mount Carmel, while others believed he was buried in Haifa or Acre. (*Ha'aretz*, *Jerusalem Post*, 28 April)

25. On 30 April, it was reported that the Peace Now movement had called on Prime Minster Barak to clamp down on settlement construction and implement the construction freeze he had imposed in the West Bank and Gaza following the Housing Ministry's publication of tender to the construction of 174 housing units in Ma'aleh Adumim. In December 1999, Barak had announced the freeze until the conclusion of final status talks with the Palestinians. At the time, Peace Now had charged that in the nine months since Barak had taken office, his Government had issued building tenders for 3,196 housing units in the West Bank and Gaza Strip, compared with the Netanyahu Government's annual average of 3,000 units. (*Jerusalem Post*, 30 April)

26. On 1 May, it was reported that IDF troops had forcibly removed scores of squatters from Tel Rumeida the previous day. The squatters were settlers who had moved a shipping container to the site a few hours earlier to protest the rental of two 5-dunam plots to local Palestinian families. Hebron Jewish community spokesperson David Wilder stated that the land was registered to the Jewish community, which had purchased it 150 years ago. The Civil Administration spokesperson said the land had been leased to the Abu Haika family for agricultural purposes for at least five years. (*Ha'aretz*, *Jerusalem Post*, 1 May)

27. On 1 May, it was reported that a new round of talks between Israeli and Palestinian negotiators had started off on a sour note in Eilat the day before, with the Palestinians complaining about the Government's intention to build 174 new homes in Ma'aleh Adumim. A senior official at the Prime Minister's Office said the Prime Minister had first heard of the existence of the tenders when they were made public the day before and he had not approved them, and that he would look into the situation immediately. The official indicated that there was a chance the Prime Minister would revoke the tenders. However, senior Palestinian negotiator Saeb Erehat said it was disappointing to learn that Barak had authorized the expansion of Ma'aleh Admim. "Settlements activities have cast their shadow over the true intentions of the Israeli Government", Erekat said as he arrived in Eilat. A Housing Ministry spokesperson said that the 174 units at Ma'aleh Adumim had received official approval months ago. The Ma'aleh Adumim Mayor issued a statement

declaring the town would "prosper and double its population". (*Ha'aretz*, *Jerusalem Post*, 1 May)

28. On 2 May, it was reported that Israeli security forces the previous day had evicted 50 settlers who had brought two caravans to a hilltop near the site where an 18-year-old settler had been shot and lightly wounded. The IDF spokesperson said that the settlers had offered no resistance and by noon the two caravans had been removed from the site. (*Jerusalem Post*, 2 May)

29. On 3 May, it was reported that in urging the Government to reject calls from the Right to annex areas in the greater Jerusalem region, Peace Now and Ir Shalom (City of Peace) had organized a tour of the areas the Government planned to hand over to the Palestinians. The Ir Shalom legal adviser, Danny Seidman, produced statistics comparing the demographic balance in Jerusalem and the greater Jerusalem area in 1967 and today. He charged that since 1967, Israel had done everything possible to push out the Palestinian residents. This policy, he said, had only served to worsen the demographic balance in municipal Jerusalem from an Israeli point of view. According to Seidman's figures, the population in 1967 had been 74 per cent Israeli and 26 per cent Palestinian, compared with today's 68 per cent Israeli and 32 per cent Palestinians. (*Jerusalem Post*, 4 May)

30. On 7 May, Peace Now called on Prime Minister Ehud Barak to freeze plans to construct 250 housing units (*Jerusalem Post*, 200 units) for Jews in a small section of the town of Abu Dis within the Jerusalem municipal boundaries. The group issued the protest after learning that Jerusalem Mayor Ehud Olmert had given the order to speed up the submission of the plans to the city Planning Committee for approval the following week. The new neighbourhood was to be called Kidmat Zion. Most of the Palestinian town of Abu Dis was considered Area B (under Palestinian civil control and Israeli security control), but a small section in the town's eastern sector lay within municipal Jerusalem. Peace Now accused Olmert of causing a provocation to hamper peace negotiations with the Palestinians. A Jerusalem municipal spokesperson said that "the plans for 200 housing units will soon be submitted for approval to the Committee". Planning had begun three years ago to build 350 housing units on a 70-dunam (17.5-acre) plot in Abu Dis, to disrupt the contiguity of Palestinian land, which was perceived as a threat to Israeli control of a united Jerusalem. Meanwhile, *Army Radio* reported that 600 dunams of land in the Area B section of Abu Dis, which the Government was considering transferring to full Palestinian control, was in fact owned by Jews, some of whom were living abroad. (*Ha'aretz*, *Jerusalem Post*, 7-8 May)

31. On 18 May, it was reported that the Ministry of Housing and Construction and the Israel Land Administration had released tender bids the previous day for the construction of 582 additional housing units in the Har Homa neighbourhood of Jerusalem, further to the 500 units currently under construction. The tenders had been issued two days after Housing and Construction Minister Yitzhak Levy had announced his intention to quit the Government, and left-wing Knesset member Kussi Raz charged that Levy was making a last-minute effort as a Cabinet Minister to undermine the peace process. (*Ha'aretz*, 18 May)

32. On 1 June, it was reported that the right-wing associations behind the plan to build a Jewish neighbourhood in Abu Dis in East Jerusalem were organizing to establish greenhouses or an agricultural farm and fence off the area initially approved for the new Jewish neighbourhood by the Jerusalem municipality. The associations also planned to have guards and maintenance workers living on the site, in an effort to guarantee Jewish possession of it even before final approval of the detailed plans for the neighbourhood. Legal opinions obtained by right-wing groups in Jerusalem, had determined that it was already legal at this stage to make agricultural use of the land. Israeli security sources stated that right-wing groups had acted similarly in Ras Al-Amud and in the Christian Quarter, where guards and maintenance workers were first allowed to live, prefatory to establishing a permanent settlement. In the meantime, the army, the police and General Security Service all recommended erecting a fence between Jerusalem and the bordering the Arab neighbourhoods to be handed over to the Palestinian Authority. (*Ha'aretz*, 1 June)

33. On 4 June, it was reported that Prime Minister Ehud Barak had said two days earlier that Israel should view the attainment of an agreement with the Palestinians in which 80 per cent of the settlers remained under Israeli sovereignty as a historic achievement. Barak's speech reflected his election promise that the majority of the settlers, but not necessarily the settlements, would remain under Israeli sovereignty if and when an agreement with the Palestinians was reached. (*Ha'aretz*, 4 June)

34. On 11 June, it was reported that a group of yeshiva pupils led by Knesset member Beni Elon (National Union — Yisrael Beiteno) had vacated Jewish-owned land in Abu Dis three days earlier, just minutes before Israeli security forces had arrived to forcibly remove them. A month earlier, the Jerusalem Municipality had authorized the start of zoning work for a 200-unit Jewish neighbourhood in Abu Dis, though the permit did not authorize actual construction there. (*Ha'aretz*, 11 June)

35. On 12 June, it was reported that the previous day settlers in Hebron had held a dedication ceremony for Beit Hashisha, a new apartment building near the Avraham Avinu quarter that would house six families and had been built in memory of six Jewish men killed by a terrorist on their way home from synagogue in May 1980. Knesset member Mossy Raz (Meretz) said that the decision to allow additional families to move into Hebron was disappointing and unfortunate; he called upon the Government to oust all the settlers from Hebron as Israel approached the signing of a final status agreement with the Palestinians. (*Jerusalem Post*, 12 June)

36. On 21 June, it was reported that, in anticipation of possible violence with Palestinians, in recent days, IDF had intensified its defensive measures around the perimeters of settlements in the West Bank and Gaza, including bringing in additional supplies of arms and increasing the training of personnel. IDF was considering supplying smoke grenades and rubber-coated bullets to troops who were usually equipped with live ammunition. In preparation for low-intensity confrontations, various scenarios were being considered in view of what had transpired in southern Lebanon during the Israeli withdrawal, when unarmed Palestinians had approached a settlement's fences. "If such a column reaches an Israeli settlement, we shall deal with it as we should and we shall ensure that no Israeli is hurt", an IDF source stated to *Ha'aretz*. The officer emphasized that the response would depend on the situation. "The policy is clear; we have a response to all scenarios. Whoever reaches the fence of a settlement, as far as the settlement is concerned, is a threat to lives and IDF must fulfil its defensive role." In related news, it was reported that IDF had declared an agricultural plot adjacent to Neveh Daniel in Gush Etzion a closed military zone, after scores of settlers had attempted to prevent Palestinians from working on the plot, claiming that such work was illegal. (*Ha'aretz*, *Jerusalem Post*, 21 June)

37. On 26 June, it was reported that the Housing Ministry's approval of NIS 12 million for infrastructure work on Givat Hazayit near Efrat, where 800 housing units were planned, had generated harsh criticism from Peace Now and Knesset member Mossi Raz (Meretz). According to a Channel 2 report, the Ministry had approved the funds three days earlier. (*Jerusalem Post*, 26 June)

38. On 27 June, it was reported that in the previous two weeks settlers in the West Bank had ended a lengthy hiatus and resumed construction and earthwork on land belonging to Palestinians, leading in some cases to violent clashes, IDF sources reported. According to military sources the recent activity included the following: Near the settlement of Bracha, west of Nablus, Israelis had set up a wooden structure together with a container and a generator on land belonging to Palestinians, apparently with the intention of opening a kiosk. In another development, it was reported that settlers and Palestinians had clashed the previous week near the settlement of Itamar, close to Nablus, when Palestinians had tried to rip out a fence erected by the settlers on privately owned land. Several Palestinians had been hurt. Also, it was reported that an illegal road had been built on Palestinian land near the settlement of Elkana. Finally, it was reported that settlers had sabotaged a Palestinian farm near the settlement of Neveh Daniel in the Etzion Block, south of Jerusalem. The previous Friday, settlers had staged a large demonstration in the area during which they caused tens of thousands of shekels in damage to Palestinian equipment. In reaction to an IDF complaint that police at the site had displayed indifference to the events, a police spokesperson said that although the police had not intervened, the force "had documented and recorded everything that happened". He said that everyone involved would be interrogated "and files will be opened against all of them". (*Ha'aretz*, 27 June)

39. On 4 July, it was reported a verbal dispute had broken out between Palestinian policemen and IDF troops near Alei Sinai, when the Palestinians had attempted to prevent settlers from erecting a fence in an area under Israeli control. The IDF spokesperson said that IDF had pushed the Palestinian policemen away from the site. In response to the incident, IDF had prevented Palestinian trucks from entering Israel via the Erez checkpoint. A Palestinian officer stated that

the Palestinian forces had clashed with IDF troops after "attempts to stop expanding the settlement" had failed. He charged that work on the fence had been carried out for three days and accused the settlers of moving the fence in an attempt to expand the community. He claimed that some 300 IDF soldiers and tanks had been deployed in the area. (*Jerusalem Post*, 4 July)

40. On 16 July, it was reported that IDF soldiers and police had evicted some 70 settlers who had tried to erect a new encampment on Givat Hatamar in Efrat, to protest against making further territorial concessions to the Palestinians at the Camp David summit. Two of the settlers had been detained for questioning. The settlers vowed to continue their struggle to maintain a presence on the hilltops throughout the West Bank, including at those sites dismantled in an agreement between Prime Minister Ehud Barak and the Council of Jewish Communities in Judea, Samaria and Gaza. (*Ha'aretz*, *Jerusalem Post*, 17 July)

Roads

41. On 6 April, it was reported that 11 days earlier, the Jerusalem Municipality had expropriated 658 dunams in East Jerusalem. Of the total, 543 dunams were earmarked for the eastern ring road, which was intended to divert vehicles travelling between Bethlehem and Ramallah, currently going through Jerusalem, to the edge of the city's eastern boundary. The other 115 dunams were earmarked for lateral roads that would connect to the ring road. The expropriated land belonged to residents of five villages: Issawiya, a-Tur, al-Azariya, Abu Dis and Ras al Amud. The project had been authorized by the ministerial committee headed by Minister Haim Ramon, after receiving permission to proceed from Prime Minister Ehud Barak. The road was important to Israel since it would keep Palestinian traffic on the Bethlehem-Ramallah axis out of the centre of Jerusalem. (*Ha'aretz*, 6 April)

42. On 11 April, the Defence Ministry adviser on settlements, Yossi Vardi, told the Knesset Defence Budget Committee that 12 bypass roads in the West Bank would be completed by the end of 2000. He said that the previous Government had approved construction of the roads, whose budget amounted to NIS 273 million. Work had begun the year before, he said, but had been halted because the Public Works Department had not received funding for their contractors. With the money provided by the Government during the current year, the project was again under way. (*Ha'aretz*, *Jerusalem Post*, 12 April)

43. On 11 May, it was reported that the security establishment had recently authorized the construction of a bypass road leading to the settlements of Tekoa and Nokdim, south-east of Bethlehem. Palestinian land in the area of the villages of Za'arta and apparently also Beit Sahour will have to be appropriated to pave the road. Palestinians had expressed vehement opposition to the construction of the highway. One of the leaders of the opposition to the highway was Salah Te'amari, a senior Palestinian Authority official, whose family owned a lot of land in the area of the future highway. The road, highway 356, had been authorized following repeated postponement of the committee in charge of planning and construction in the Civil Administration on the West Bank. Another bypass in the advanced planning stage was Lahav-Eshkolot road in the southern Mount Hebron area, which also depended on the appropriation of Arab land. Knesset member Mussi Raz (Meretz) lambasted the decision to pave the highway. "The supporters of the peace are sick of the Prime Minister's hypocrisy and his breaking of promises, especially the promise to suspend all construction of houses and bypass roads in the territories". (*Ha'aretz*, 11 May)

Housing

44. On 1 March, it was reported than an official from the Interior Ministry had counted 20,000 illegally built structures standing currently in East Jerusalem, providing the first such estimate ever tallied by an Israeli public servant. In 1999, the Jerusalem Municipality had carried out only a small fraction of the demolition orders it had issued for illegally constructed building. Only 17 of 141 such orders had been carried out. Palestinians justified the continued illegal construction in East Jerusalem by contending that it was virtually impossible for them to obtain building permits. (*Ha'aretz*, 1 March)

45. On 7 April, it was reported that IDF had agreed to a request from the Civil Rights Association to stop evacuating several dozen families living in caves south of Hebron who were not among the cave dwellers who had won a court petition to return to their homes. The High Court the week before had ordered the army to allow the cave dwellers to return home and to preserve the status quo. IDF had said that the area was a firing zone, and according to the Civil Administration and the

Defence Ministry, the cave dwellers were trespassers. In their petition to the High Court, the cave dwellers said they had been living there for generations and wanted to preserve their way of life. IDF had obeyed the court order covering those who had brought suit and had allowed them to return home but some 20 others, who were not among the appellants, had begun receiving army evacuation orders two days previously. (*Ha'aretz*, 7 April)

46. On 24 April, it was reported that the previous day IDF had destroyed five Palestinian homes in various stages of construction near the villages of Issawiyeh and Anata in north-eastern Jerusalem. The demolitions, which had been carried out in the middle of the night, had met relatively little resistance, and only one Palestinian had been hurt after a scuffle with soldiers. It was IDF's second round of home destructions in the previous several weeks. Following the most recent round, the Palestinians had begun to rebuild the toppled structures. An IDF spokesperson said that the army, with the help of the civil administration and the police had dismantled and removed tents in which some village families had been living for 10 days, and had destroyed four structures and the foundations of a fifth. However, a representative of the Issawiyeh Council for the protection of the village's land, Omar Darwish, said that the IDF soldiers had arrived with no advance warning and evacuated the residents before destroying 6 homes and 48 tents, leaving more than 80 persons homeless. He also claimed that some 150 olive trees had been uprooted in the operation, although the army had subsequently denied that any trees had been removed. The houses had been built on land included in the blueprint for the city of Ma'aleh Adumim, designated as "state land". For their part, the Palestinian homeowners said that they had documents proving that the land was theirs, but that they did not have building permits, since such documents were all but impossible to obtain from the Israeli authorities. Darwish claimed that the property in question had been owned by the village since the Ottoman period. He claimed that the village's 8,000 residents suffered from a severe housing shortage, with only 664 dunams of their land designated for residential construction. There were currently 800 residents without housing. The Village Council had submitted requests to the civil administration to expand the area of construction since 1972, but the requests had met continual refusal. Darwish said that a large portion of the village's 12,000 dunams had been handed over to the neighbouring Jewish settlement of Ma'aleh Adumim over the years. "Is it logical that a person should come from Russia or from Europe and live on my land, and eject us from it?" Darwish asked. Ma'aleh Adumim controlled some 50,000 dunams, including a recent expansion of 12,000 dunams, and currently housed some 24,000 residents. Amnesty International in a report in December 1999 stated that Israel has rendered about 16,700 Palestinians homeless by destroying at least 2,650 houses since 1987. (*Ha'aretz*, *Jerusalem Post*, 24-25 April)

47. On 15 May, it was reported that dozens of protesters had gathered the previous day outside the house of Nasser Jamil Aqel on Mount Scopus to protest the Jerusalem municipality's decision to demolish his house. A one-month court reprieve had been received later in the day. Several days earlier the family had been notified that their house would be demolished within 72 hours as a result of an illegal modification to the building. Although Aqel said that his father had built the house in 1951, the Hebrew University claimed to be the legal owner of the property. However, according to Aqel, all the land in the area up to the Haddasah University Hospital, including the Hyatt Hotel and the area currently containing the university's Idelson student dormitories, had belonged to his father. In 1968, that land had been confiscated by the Israeli Government; five years later, 7 dunams had been sold to Hebrew University. Aqel claimed that the transfer was illegal. A 1973 court order stated that the family could only be moved from the house if they agree to alternative housing. Yet despite an offer of US$ 5 million from the university, the Aqels had refused to move. Hebrew University, meanwhile, claimed that the Aqels and six other families were living illegally on university property and had been ordered to leave years ago. (*Jerusalem Post*, 15 May)

48. On 5 June, seven Palestinians (*Jerusalem Post*: 3) and four security officers were injured in scuffles that broke out as authorities tore down an illegally built cement house in the West Bank village of Walajeh. Israel police and border police, acting on a demolition order issued by the Interior Ministry, had guarded bulldozers sent to demolish the home of Hassan Khalifa, father of four children under the age of seven. According to the Ministry, the house had been built without a permit and therefore by law had to be razed. During the previous two years, eight homes had been destroyed by the Israeli authorities in Walajeh. The

village had been annexed to Jerusalem following the 1967 Six-Day War, but Arab villagers had not officially become part of Israel. As a result the village was part of Israel, but its people were not. The Jerusalem municipal authorities had not invested in the village over the years, and basic services such as roads or sewage system did not exist. Whatever services that the village received were provided by the Palestinian Authority. Villagers of Walajeh, including Khalifa, had tried to obtain building permits from the Israeli authorities in the past, but they were not granted because the village had no master plan, without which, it was argued, no permits could be issued. (*Ha'aretz*, *Jerusalem Post*, 6 June)

49. On 13 June, bulldozers demolished a house in the south Jerusalem village of Jabal Mukkaber, prompting charges from the Office of the Minister for Jerusalem Affairs, Haim Ramon that Interior Minister Natan Sharansky had ordered the move in a show of strength associated with the coalition crisis. Acting on the instructions of the Interior Ministry, the bulldozers knocked down a house belonging to Hamza Mugrabi, 35, father of seven children ranging in age from 1 to 13. Police arrested a demonstrator when he attempted to lie down in the path of the bulldozers. Aides to Ramon said the house demolition had violated a clear agreement between the ministers, Ramon was to be informed of any demolitions in advance. Mugrabi said the bulldozers had taken him by surprise since he had received an order to appear in court on 12 July for a hearing on the planned demolition. "Even if someone in East Jerusalem wants to act according to the law, he can't because the authorities won't let him", Mugrabi said. Moshe Mosko, deputy spokesperson of the Ministry of Interior, said demolition orders had been issued for 500 illegal structures throughout the country, mostly in Arab areas. He did not say how many of them were in the Jerusalem area. (*Ha'aretz*, *Jerusalem Post*, 14 June)

Water

50. On 19 June, it was reported that thousands of residents of Ramallah and its environs had been suffering from a severe water shortage since the previous week. According to Palestinian sources, the shortage, which was affecting some 210,000 residents of 50 towns and villages, would not have been so severe had the Civil Administration, the Israeli authority regulating activities in areas of the West Bank not under Palestinian control, been more forthcoming in its request for permits. The Civil Administration had allegedly insisted that a permit be obtained to erect a structure to house the electrical switchboard for the new pumping station north of Ramallah. Both the water well and the pumping station were in Area C, which was within Israeli jurisdiction. According to the head of the Jerusalem Water Works, Abd al-Kareem Assad, it was the worst water shortage in 35 years in Ramallah. Over the years, 30 per cent of the water needs of the area had been supplied by four walls run by the Water Works, and the rest by the Israeli water company, Mekorot. The recent drought had led to as much as a 50 per cent decrease in pumping from the four wells. Under the Oslo agreements, Israel continued to control all the water resources in Israel and the occupied territories, but the Palestinians were allowed to drill several wells in the eastern aquifer. Assad said that the shortage was also the result of a decrease in the amount of water provided by Mekorot. (*Ha'aretz*, 19 June)

51. On 28 June, waving signs reading "Thirsty for Justice" and "Palestinians thirst, settlers swim", the Israeli human rights group B'Tselem joined local Palestinians at a demonstration in the village of Yatta near Hebron in protesting the discriminatory water allocation practices in the territories. B'Tselem spokesman Tomer Feffer said that it was the beginning of a continuing campaign to make the Israeli public aware of water shortages in the territories. "We hope that we can put an end to the hypocrisy with which Israelis relate to the impending water crisis when we ignore the fact that we are depriving the Palestinians of shared water sources" he said. In a recently issued position paper B'Tselem compared consumption and distribution of water among Palestinians compared with Israelis and the residents of nearby settlements, concluding that Palestinians were consistently subject to severe water shortages, forcing them to consume an amount of water equivalent to between 20 to 25 per cent of that consumed by the average Israeli. The report also stated that, under accords reached with the Palestinians, Israel was allowing them to receive only a small portion of the shared water resources, while diverting water from the territories to areas within the Green Line. The report concluded that "human rights violations" related to water allocation would have to be addressed in the final status accord. According to Yatta Mayor Khalil Yunis, municipal officials in the town of 47,000 currently under Palestinian control had

attempted to allocate the water supply allotted to them by Mekorot by dividing the town into 14 areas, each of which received the full municipal water supply for three days. In practice, according to residents, this resulted in 30-to-40-day intervals during which residents of any given neighbourhood had no running water. Similar systems, according to B'Tselem, are in place in Hebron, Bethlehem and Jenin. (*Ha'aretz*, *Jerusalem Post*, 29 June)

2. Restrictions affecting movement of Palestinians within, between, and their exit from and re-entry into the occupied territories

Identity cards, travel permits

52. On 29 May, it was reported that the erection of a security fence to separate the municipal boundaries of Jerusalem and the towns of Abu Dis and Azzariya, slated for transfer to the Palestinian Authority, was being considered as a means of preventing violent clashes such as those between Palestinians and IDF soldiers two weeks earlier. The Government was delaying handing over the villages until it was certain that there would be no repetition of the demonstrations organized by the Palestinian Authority. The Jerusalem Forum is made up of Minister for Jerusalem affairs, the Minister of Public Security, the mayor of Jerusalem and representatives of security bodies and various government ministries. It was Jerusalem Mayor Ehud Olmert who had put forward the idea of putting up the fence. He also reportedly wanted the Ras al Amud crossing to be moved to Abu Dis junction, on the city's municipal border, so as to implement Prime Minister Ehud Barak's much-discussed policy of separation. (*Ha'aretz*, 29 May)

53. On 15 June, it was reported that Palestinians had kept Israeli consumer goods out of the Gaza Strip the previous day in protest over a strike begun six weeks earlier by Israeli civil servants which was preventing Palestinians from entering Israel for work or trade. During this period employees of Israel's military Government in the Gaza Strip had not renewed expired entry permits for Palestinian labourers and merchants. It was reported that some 3,000 Palestinian merchants had been unable to enter Israel because of the job action. Salim Abu Safya, commander of the Palestinian border police in Gaza, said that the strike had cost the Palestinian economy $5 million a day, and that an additional $1 million worth of goods was lying idle in Ashdod port. (*Jerusalem Post*, 15 June)

54. On 28 June, settlers from Neveh Dekalim blocked the road leading to Khan Yunis to Palestinian vehicles after stones were thrown at Israeli vehicles travelling on the portion of the road leading to the settlement earlier in the evening. (*Jerusalem Post*, 29 June)

55. On 9 July, it was reported that IDF had recently prevented family members of Palestinian Authority policemen from entering Israel because of the policemen's role in shooting incidents against Israeli soldiers during the Nakba incidents in May 2000. Israel had imposed sanctions against the family members, after the Palestinian Authority had refused to punish the officers involved in the shootings. (*Ha'aretz*, 9 July)

B. Manner of implementation of restrictions

1. Checkpoints

56. On 2 March, it was reported that Palestinian officials had protested the change of position of several IDF checkpoints in the West Bank, as an attempt to adjust the borders before the conclusion of a final-status agreement. Palestinian final-status negotiator Yasser Abed Rabbo said that he had presented a letter to his Israeli counterpart protesting Israel's attempts to move the checkpoints. "The Israeli army has changed the position around the borders of the West Bank in four locations", Abed Rabbo said. Two of the changed posts were near Jenin, a third was in Latrun and the fourth was south of Hebron, next to the village of Yata, Palestinian negotiator Saeb Erekat explained. Erekat said moving the checkpoints had legal implications for the final-status talks, since it unilaterally created facts on the ground before negotiating with the Palestinian Authority. A senior Palestinian Authority official said that the IDF had begun to move the checkpoints in Area C, which was still under Israeli control, six months ahead of schedule. (*Jerusalem Post*, 2 March)

57. On 31 March, it was reported that, according to the Israeli human rights group B'Tselem, there had been a significant rise recently in the number of complaints submitted by Palestinians against the police, and against the border police in particular. The complainants claimed to have been beaten at checkpoints, in particular the one at the post near Jenin.

The organization said that it had received a large number of complaints during the months of February and March. "For slaps and kicks people do not complain", said the B'Tselem spokesperson. "We get complaints only after a hospitalization." The organization had requested Public Security Minister Shlomo Ben-Ami to call an urgent meeting as it had observed a marked increase in complaints against the semi-military police force. B'Tselem drew attention to the case of Nasser Malham and his brother-in-law Ayman, who said that border policemen had beat them brutally with a flashlight and the butt of a pistol. An X-ray had revealed that Nasser was suffering from an internal haemorrhage in the left testicle, and emergency surgery showed that the haemorrhage had been caused by a beating. Nasser Malham, 33, from the village of Aanin in the Jenin district, who supported his wife and six children as a tile layer in Arab villages inside Israel, said that he had never been arrested for security reasons and his name did not appear on any list of wanted suspects. In the past he had been arrested for a day or two for being in Israel illegally. On 25 February 2000, at about 8 p.m., as he was driving his sister-in-law and her children in his car to their home in the village of Tura, accompanied by his wife's brother, Ayman, 25, they were stopped and scrutinized at two checkpoints. After taking the woman and her children home, the two men returned to Aanin. At about 9 p.m. they were stopped at the checkpoint near their village. In their testimony to B'Tselem investigators, Nasser and Ayman claimed that two border policemen had beat them when they found out that the two had no entry permits into Israel, even though the incident had occurred in the territories. According to their testimony, one of the two policemen called Nasser a "son of a whore" after he showed his magnetic card and his identity card, dragging him out of the car, beating him in the head with the butt of his pistol, kicking him in the legs, giving him a bloody mouth and knocking him to the ground. A second policeman, seeing Nasser was noting down the licence number of the jeep, dragged Malham out of the vehicle, pistol-whipped him and kicked him in the testicles. When he fell to the ground, the border policeman picked him up and handcuffed him. The same policeman then continued to beat him. The Border Police spokesperson said that the number of complaints against border police had dropped in 1999 to 187 from 263 in 1998, and that the number of the complaints of unbecoming conduct had decreased to 102 from 110. (*Ha'aretz*, 31 March)

2. Interrogation procedures

58. On 15 March, it was reported that Prime Minister Ehud Barak had said that he would favour a "minimalist law" that would enable General Security Service (GSS) interrogators to use pressure tactics against terror suspects if there is a real threat to lives. "We are not the Netherlands, and we do not live in the environment of Benelux", Barak said. "Such legislation is logical and fitting. We are a State that is faced with the constant threat of terror. Yet, on the other hand, we are a democratic State that is part of the international community. There must be sensitivity to both needs". Barak was speaking in the Knesset in response to the summons, organized by Likud Knesset member Ruby Rivlin, from 46 Knesset members to state his position on legislation to regulate GSS operations. (*Ha'aretz*, *Jerusalem Post*, 15 March)

59. On 3 April, it was reported that a Knesset subcommittee would shortly begin the final draft of a bill to regulate the General Security Service, despite Cabinet apathy towards it. The joint subcommittee would formulate the bill for its submission for second and final reading. The bill had been given first reading in the previous Knesset but had been stalled since the current Government had taken office because Justice Minister Yossi Beilin had objected to some of its provisions as undemocratic. Beilin believed that the wording of the bill granted GSS sweeping powers that were out of place in a democracy based on the transparent rule of law. (*Ha'aretz*, 3 April)

60. On 12 April, it was reported that former Attorney General Michael Ben-Yair had recommended that the General Security Service should be stripped of its investigative and interrogatory powers and limited to intelligence-gathering, leaving the authority to investigate and interrogate suspects in the hands of the police. Ben-Yair noted that after the 1994 Dizengoff Street bus bombing, the special investigative powers granted to GSS by the Government — through Ben-Yair, who at the time served as Attorney General — had only led to the agency to turn the use of those powers "into a daily routine". Explaining that the permission to use mild physical pressure had been given "only for 'ticking bomb' situations", Ben-Yair said that GSS "used it as a matter of routine, daily". In 1995, when a prisoner had died in GSS custody, Ben-

Yair had viewed the death as a watershed event and had decided to tighten supervision of GSS activities and at the same time reached the conclusion that the entire concept of "special permission" was inherently flawed. (*Ha'aretz*, 12 April)

61. On 15 May, it was reported that former State Attorney Dorit Beinish, now serving as a Supreme Court Justice, had approved an arrangement granting immunity from a trial to three General Security Service agents allegedly involved in the 1989 death of a Palestinian detainee in return for their resignation from the force, according to a letter from the head of security matters in the State Attorney's Office released the previous day. Two other agents involved in the interrogation of the Palestinian, Khaled Sheikh Ali, had been convicted of causing death by negligence and sentenced to six months in jail. After they had gone to jail, Aleph and Shin continued to claim in public that their colleagues were responsible for Ali's death. They demanded that Attorney General Elyakim Rubinstein and the State Attorney's Office reopen the case and investigate the three. Though eventually Rubinstein ordered the Justice Ministry's Police Investigating Department to reopen the file, the investigation was abruptly closed, since the investigators discovered a letter written by Beinish approving a deal granting immunity to the three agents in return for their resignation. (*Ha'aretz*, *Jerusalem Post*, 15 May)

3. Administrative detention and conditions of detention

62. On 15 May, it was reported that Sheikh Salah Mustafa Shahada, a closer associate of Hamas leader Sheikh Ahmad Yassin and one of the founders of the Hamas movement in Gaza, had been released from Israeli custody the previous day, after IDF had decided not to request an extension of his administrative detention. Shahada had been held in administrative detention since completing a 10-year sentence in 1998. He had returned to his home in Khan Yunis the previous afternoon after being released from Sharon Prison. (*Ha'aretz*, 15 May)

4. Imprisonment and conditions of imprisonment

63. On 21 March, it was reported that 10 Palestinian security prisoners had been released by Israel the previous day. This brought to 15 the total number of security prisoners released as a goodwill gesture on the occasion of Id al-Adha holiday. Five from eastern Jerusalem had been released a few days earlier. All of the prisoners were affiliated with Fatah. (*Ha'aretz*, *Jerusalem Post*, 20-21 March)

64. On 6 April, the Supreme Court accepted the State's appeal in the case of border policeman Eran Nakash, convicted him of abusing a detainee and increased his jail sentence from 14 months to three years. In doing so, the Court, for the second time in less than three months, expanded on the interpretation of a 1990 amendment to the Penal Law establishing "abuse of a minor" as a separate crime, carrying stiffer penalties than "violence towards a minor". The previous June, the State had indicted Nakash on charges of beating up and performing lewd acts on Palestinian detainees under his care. The charge sheet focused on three separate incidents. In one of them, Nakash had punched, slapped and kicked three teenage Palestinians he was transporting from one lock-up to another, pulled down his fly, ordered one of the youths to "suck him", and beat him when he refused. He also forced them to sing a song insulting to the Muslim faith. Nakash repeated much of his behaviour on the way back with another detainee. (*Ha'aretz*, *Jerusalem Post*, 7 April)

65. On 18 April, it was reported that at least four Palestinians had been wounded the previous day, when IDF troops had fired tear gas and rubber bullets to quell a stone-throwing demonstration at Rachel's Tomb, sparked by a march held to mark "Palestinian Prisoners Day". In Ramallah, the Palestinian Prisoner and Human Rights Association published its annual report claiming that Palestinian prisoners in Israeli jails were tortured. The report claimed that 300 Palestinian detainees suffered from poor health conditions and that 29 of them suffering from chronic illness had died the previous year from neglect or delayed medical care. (*Jerusalem Post*, 18 April)

66. On 25 April, it was reported that the General Security Service had recommended to Prime Minister Ehud Barak that all prisoners identified with the Fatah organization and with other groups that were part of the Palestinian Authority should be released as part of the negotiations with the Palestinian Authority. The recommendations included prisoners convicted of murdering or wounding Israelis. Apart from isolated cases, Israel had so far refrained from releasing Palestinian prisoners "with blood on their hands" within the framework of the Oslo process. As a result, GSS was against the release of Hamas and Islamic

Jihad prisoners before they had completed serving the full term of their sentences. (*Ha'aretz*, 25 April)

67. On 27 April, it was reported that Israel was ready to consider the release from prison of seven Palestinians who had been convicted of murdering Jews and had been incarcerated for more than 20 years. "It will be possible to talk about them at some stage," a senior political source said. On the evening of the Passover holiday, the Palestinian Authority submitted a new list of prisoners it wanted released, based on a clause in the Sharm el-Sheikh accord stating that a permanent committee of the two sides would discuss specific requests. In the meantime, it was reported that Barak had not accepted the recommendation of General Security Service Chief Ami Ayalon to release all Fatah organization prisoners, including those had who murdered Israelis. (*Ha'aretz*, 27 April)

68. On 11 May, the Israeli-Palestinian steering committee for outstanding interim issues was scheduled to convene in several days to try to resolve the remaining issues. The first item on the agenda would be the release of the Palestinian prisoners. Some prisoners had begun a hunger strike at the Hadarim prison some 10 days earlier, and the strike had since spread to other jails. At Nafaha prison, in Beersheba, some 155 prisoners had joined the strike. The Prisoner Club, an organization representing the prisoners and their families, reported that the health of the prisoners on the hunger strike was deteriorating and that at the Hadarim prison, 25 prisoners had had to be hospitalized. According to Palestinian Authority Minister Hisham Abdel Razek, the prisoners were demanding that they should be released as part of the final peace accord due in September, and that this should be spelled out in the framework agreement. "Israel is refusing to include this phrase in the agreement", he said. The Palestinians had submitted a list of 23 prisoners who were old and sick or had served very long jail sentences and were asking Israel to release them immediately. (*Jerusalem Post*, 12 May)

69. On 1 June, it was reported that 900 Palestinian security prisoners being kept in Israeli jails had called off a month-long partial hunger strike after they had been promised that their conditions would be improved. Israeli officials, meanwhile, denied that an agreement had been reached with Palestinian negotiators over the release of Palestinian security prisoners. With the easing of restrictions, security prisoners would be able to enjoy visits from second-degree relatives, in addition to parents or spouses. A Prison Authority spokesperson noted that the change would allow women, children and adults over the age of 50 to visit the prisoners. A link-up to additional television stations would be provided, and prisoners who needed to contact their families in humanitarian cases such as births or deaths would be able to telephone them, with necessary precautions. It was also reported that the Prison Authority Commander had established a committee to examine the conditions of the security prisoners. (*Jerusalem Post*, 1 June)

70. On 5 June, it was reported that the Minister for Public Security and the National Police Chief had been told that conditions at the Shahta prison were unfit for prisoners. The Northern District Public Defender and his deputy presented the two senior officials with a report on the living conditions at the jail compiled after a harrowing visit. According to the report, the prison wing holding Palestinians caught for illegally residing in Israel was nothing more than a fenced-in compound consisting of 10 tents. The report stated that "living conditions were particularly harsh and we do not believe it is proper to hold prisoners under such conditions. The tents are not meant for long-term occupation and the weather causes the prisoners much discomfort." The prisoners' showers, which also serve as toilets, were found to be not properly maintained were unfit for human use. Prisoners told the Public Defender that they were often collectively punished by wardens forbidding them to use telephones or to receive visitors. Some prisoners also accused the wardens of violence. The deputy head of the prison denied the accusations, saying that the only possible solution to conditions at the compound was to construct a new purpose-built wing. (*Ha'aretz*, 5 June)

71. On 12 June, it was reported that a shortage of plastic lamination had caused a delay at the Civil Administration in issuing visitors' permits for 600 Palestinians with relatives being held in Israeli prisons. The permits had already been approved by the security services and had been printed, but they first had to be laminated before being distributed to residents of the territories, via the Red Cross, whose management liaison department is headed by an IDF officer. A strike by civilian employees of the Civil Administration since the beginning of May, however, had delayed the processing of the request via the Finance Ministry representative to the administrative body. The civilian employees were striking to secure a severance package

if and when the Civil Administration was abolished. As part of the sanctions, the workers were refusing to provide assistance to about 3 million Palestinians and had suspended all administrative duties linked to traffic, population registry and bringing in imports from abroad. At least 100 of the 600 permits being held up were one-time permits for Palestinian families usually denied permits by GSS for alleged security reasons. The families often had not seen their relatives for months and even years, and they often included elderly parents or wives. The case of 70-year-old Awed Kamil was not an uncommon one. He had been stopped from regularly visiting his son since January 1999. Sara Rajoub, 42, had been prevented from visiting her husband, who had been sentenced to eight years' imprisonment in 1996. The one-time permits were finally granted at the end of May 2000, following a long campaign by HaMoked (the Centre for Defence of the Individual) and the attorney Tamar Peleg. (*Ha'aretz*, 12 June)

72. On 19 June, Israel released three Palestinian security prisoners involved in terror attacks resulting in the wounding of Israelis, despite an attempt by the " Terror Victims Association" to stall the release until their appeal had been heard in the courts. A Fatah official stated: "We welcome the release of any prisoner, but when we talk of 270 prisoners as a first step, 3 prisoners is not enough, but if these prisoners are those who spent over 20 years in jail, then it is an important beginning." There are seven such prisoners in Israeli jails, all of whom belong to Fatah. All in all, about 400 Fatah activists remain in jail. The majority of the remaining 1,650 prisoners belong to Hamas and Islamic Jihad. The Palestinian Authority was demanding that Israel released all prisoners as part of the framework agreement. (*Ha'aretz*, *Jerusalem Post*, 16-20 June)

73. On 2 July, it was reported that the Israeli police had launched a joint investigation with the Palestinian police into the killing of 34-year-old Ahmed Amer Sabatin, from the Aroub refugee camp, whose body had been as found lying next to his vehicle not far from the IDF post near Telem, outside Hebron, shortly after noon the previous day. Although *Radio Palestine* claimed he had been killed by a settler, an Israeli police spokesperson in the occupied territories said it believed that the victim had been shot by other Palestinians, adding that the motives appeared to be criminal. (*Ha'aretz*, *Jerusalem Post*, 2 July)

74. On 2 July, it was reported that IDF was preparing to use vehicles once used to dispel violent clashes with civilians during the early stages of the intifada, in anticipation of serious disturbances in the West Bank and Gaza in coming weeks surrounding a Palestinian declaration of statehood. IDF had made assessments predicting that an imminent unilateral Palestinian declaration of independence in September might cause riots to break out in the occupied territories. IDF was preparing various types of equipment for use in upcoming weeks, including "Hattzatzit", a crowd-dispersing weapon that shoots out thousands of pieces of gravel at a distance of hundreds of metres. However, some IDF officers had criticized the weapon's effectiveness, saying the vehicle was slow and fraught with technical difficulties. (*Ha'aretz*, 3 July)

75. On 4 July, it was reported that the State Prosecutor's Office had written to the Public Committee against Torture saying that conditions of prisoners held by GSS had become more hygienic and comfortable. Nevertheless, the PCAT stood by its earlier complaint that prisoners were being tortured, in contravention of the September 1999 Supreme Court decision outlawing such practices. The previous year the Committee had complained about GSS torture to Attorney General Elyakim Rubinstein and Justice Minister Yossi Beilin. Attorney Talia Sasson, director of the Special Assignment Department at the State Prosecutor's Office, had written to the Director General of the Committee, Hana Friedman, emphasizing the improvements in the GSS prison system, such as renovation of the cells, including the installation of sinks and ventilation system. Sasson said that there was a possibility of "further improving the conditions of the prisoners in terms of laundry, clothes and linen supplies, cleaning materials, towels, toothpaste and shaving cream, and increasing the quantity of food". The Committee issued a statement in response, saying that despite "the importance of clean laundry, we hope that the State Attorney understands the importance of issue on a broader scale. We demand that the State Attorney's Office complete its investigation into cases of torture and that those responsible be brought to face trial, and that it ensure that the decision of the Supreme Court is complied with." (*Ha'aretz*, *Jerusalem Post*, 4 July)

5. Question of the use of force

76. On 14 March, it was reported that the Magistrate's Court in Afula had ruled that the State should compensate five Palestinians, citizens of the West Bank town of Kabatya, in the amount of NIS 670,000 for having been beaten and having their legs and hands broken by Israeli soldiers during the intifada period. According to the Court's ruling, the State had not proved that the plaintiffs had been arrested for their participation in riots and stone-throwing; furthermore, even if it were to have been proved, "breaking the fingers of the plaintiffs cannot be considered as an instance of practising reasonable force". Hussain Abu Hussain, the plaintiffs' lawyer, stated that the Court's decision "presents a rare case of a court delivering a ruling over the breaking-bones policy". (*Ha'aretz*, 14 March)

77. On 20 March, a Palestinian woman, Hilmiyah al-Tus, 45, was shot and killed by IDF soldiers and her husband, Mahmoud, 50, was seriously wounded in an incident which occurred at an impromptu army roadblock on a narrow side road between the villages of Haris and Tzurif in the West Bank. The commander of the IDF Bethlehem Brigade, Colonel Marcel Sagiv, recommended that disciplinary measures be taken against the soldiers involved for firing inaccurately and for improperly establishing a makeshift roadblock. The couple has 12 children, ranging in age from 2 to 28. The funeral was held in the dead woman's village, Ja'ba, south-west of Bethlehem. Mahmoud al-Tus, a construction worker in Israel, was treated in a Hebron hospital. Several residents of Haris, who took the wounded man to the hospital and heard his account of the incident, spoke with a fieldworker of the B'Tselem human rights organization and with *Ha'aretz*. Apparently, when Mahmoud al-Tus had spotted the unexpected roadblock, which had been set up following the shooting of two Israelis at nearby Tarqumiyah and was manned by reservists from the urban settlement of Kiryat Arba, he had decided to turn around since he did not have the registration for the car he was driving. According to the IDF spokesperson, "he turned wildly and tried to get away and run over one of the soldiers". However, he told the people who evacuated him that he had stopped and turned around at some distance from the roadblock. Wounded, his wife bleeding next to him and with one tire punctured by a bullet, he managed to drive another 4 kilometres to the first house in the village of Haris. Villagers in nearby Nuba, where his wife has relatives, and where the car was towed, counted at least 20 bullet holes, mainly in the rear and sides. The rear windshield was shattered. A senior IDF officer told *Ha'aretz* that the army had "expressed its regret to the Palestinians. There were shortcomings in the operation of the force but it is difficult to blame the soldiers who opened fire. They believed they were in mortal danger, and the driver's behaviour led them to believe that the driver of the vehicle was from the group that perpetrated the terrorist attack at Tarqumiyah." (*Ha'aretz*, 22 March)

78. On 2 April, it was reported that two days earlier a police officer had shot and killed a Palestinian after he had run a roadblock in Anata. Police said they set up the roadblock after being informed of the presence of armed Palestinians in a house in the village. A car carrying two Palestinians crashed into two police vehicles and tried to escape, as one of the Palestinians threw a bag out of the car which was later found to contain drugs. Police opened fire, hitting one of the Palestinians, who later died of his wounds. Police did not release the man's identity. (*Ha'aretz*, *Jerusalem Post*, 2 April)

79. On 5 April, it was reported that Palestinians protesting against what they said was the expansion of the Karmei Tzur settlement had clashed with IDF troops near Hebron the previous day, and four demonstrators had been wounded, according to witnesses. Soldiers had fired rubber bullets as about 60 Palestinians from Beit Umar hurled stones. (*Jerusalem Post*, 5 April)

80. On 18 April, it was reported that three days earlier, a number of settlers had been involved in the assault on 70-year-old Thahab al-Najjar from Borin village south of Nablus. According to affidavits from the victim and her rescuer, Khaled Dahoud, the elderly woman was making her way to her land to pick some fruit when she was attacked by five settlers who pushed her to the ground. One of them dragged her from the main road while others kicked her in her legs and arms. The elderly woman survived the attack, but suffered bruises, wounds and shock. A police spokesperson confirmed that the incident had occurred and that Najjar had submitted a complaint to the police on 15 April. He stated that the police was exerting its best efforts to find the suspects. (*Ha'aretz*, 18 April)

81. On 10 May, five Palestinian demonstrators and an IDF soldier were wounded lightly in a clash by

Rachel's Tomb in Bethlehem. The protest, a display of solidarity with the 1,650 Palestinians in Israeli jails on security-related charges, turned violent when a group of 500 demonstrators began hurling rocks at IDF soldiers. One soldier was hit and lightly wounded and troops responded with rubber bullets and tear gas, described by an IDF spokesperson as a regular "method of dispersing riots". Demonstrators burned tires and blocked main streets in what the *Voice of Palestine* radio described as a week-long series of demonstrations near the offices of the International Committee of the Red Cross in support of the security-related prisoners on hunger strikes in Israeli prisons. (*Ha'aretz*, 11 May)

82. On 11 May, the Tel-Aviv district court rejected a plea of insanity by Gur Hamel, a settler from the Etamar settlement in the West Bank. Hamel had been convicted of murdering a Palestinian farmer, and had been given a life sentence by the Court. He had killed 68-year-old Ahmed Suleiman Khataba in October 1998. In his defence he claimed that "the deceased attacked the defendant. He responded, killing Khataba. The defendant pleads self-defence and emotional disturbance." The court, however, did not regard Hamel's psychological problems as beyond his control. (*Ha'aretz*, 12 May)

83. On 11 May, a panel of seven Supreme Court justices overturned a decision by the Prison Parole Board and denied early release to convicted murderer Yoram Skolnik, who had shot dead a handcuffed Palestinian. The panel ruled that his release would pose a risk to public safety. Skolnik had been given a sentence of life imprisonment in 1993 for fatally shooting a captured Palestinian whose hands and feet were bound at the time. The Palestinian was suspected of stabbing an Israeli. The Supreme Court's decision was given in response to a petition submitted by Meretz Knesset member Zehava Gal-On, and backed by the Attorney General, against the parole board's plan to release Skolnik on 7 April 2000, after having served only seven years in jail. Gal-On had argued in her petition that the parole board's decision did not take into account the severity of Skolnik's act, particularly the moral aspect of killing a helpless, incapacitated person. She also claimed that the board had not properly weighed the danger Skolnik posed to the public. Skolnik had been convicted of the murder of Abu Sabah on 23 March 1993. Earlier that day, Sabah had been hitchhiking and was picked up by two settlers, who later claimed he attacked them with a knife. He stabbed one but they managed to subdue him, tied his hands and feet and, following a body search, found a grenade on his person. Skolnik heard of the incident on his radio and drove to the area. When he saw the Palestinian on the floor, he pulled out his Uzi sub-machine-gun and shot the man, remarking as he did so, "We must kill them because this is a war" and "good riddance". Skolnik had originally been sentenced to life imprisonment but the sentence was commuted to 15 years and later to 11 years by President Ezer Weizman. In March, the parole board approved Skolnik's request for a reduction of his sentence by a further one third for good behaviour and decided to release him on 7 April 2000. (*Ha'aretz*, *Jerusalem Post*, 12 May)

84. On 14 May, it was reported that clashes between Palestinians and security forces in the West Bank were continuing, leaving 60 Palestinians hurt. The security forces had reinforced their presence in the West Bank in anticipation of more protests to mark "Naqba Day" ("Day of Catastrophe") the following day, 15 May, the 52nd anniversary of Israel's declaration of statehood. The previous day marked the second day of intense clashes between security forces and Palestinians demanding the release of Palestinian security prisoners. The IDF spokesperson denied claims made the day before by the Tulkarm Hospital director that one of the 40 Palestinians admitted for treatment there had suffered a bullet wound to his hand. The previous day hundreds of Palestinians had rioted in Hebron, at the western entrance to Tulkarm and at the northern entrance to Jenin, throwing stones, firebombs and bottles and burning tyres. In Hebron, IDF soldiers had shot rubber bullets and tear gas at dozens of Palestinians who burned Israeli and American flags and threw stones, lightly wounding 11 people, including a photographer for the *Agence France-Presse*. Other clashes had taken place at the IDF roadblocks north of Kalkilya and at Rachel's Tomb outside Bethlehem, where 15 Palestinians were wounded by IDF soldiers, according to *Army Radio*. According to Palestinian hospital officials, one of the wounded was a 9-year-old boy, who had been shot in the eye. (*Ha'aretz*, *Jerusalem Post*, 14 May)

85. On 15 May, it was reported that IDF sent additional forces into the territories as clashes continued, with demonstrators demanding the release of Palestinian prisoners held in Israel. Tensions were

expected to mount as the Palestinians marked their 1948 "Naqba" (disaster), the foundation of Israel. In the northern West Bank city of Kalkilya, Samar Ahmad Awartani, 17, had been killed in a clash with Israeli soldiers, according to a doctor at the local hospital. Another 12 demonstrators had been injured by rubber-coated steel pellets, he added. The demonstrations that had begun a week earlier in the West Bank had spread to the Gaza Strip the day before. Hundreds of Palestinians blocked the Nezarim Junction and threw Molotov cocktails at an IDF outpost. At the Megiddo prison, hundreds of prisoners rioted and set fire to their tents. Hundreds of security prisoners in Israel were also continuing a hunger strike to demand their release. (*Ha'aretz, Jerusalem Post*, 15 May)

86. On 16 May, it was reported that Palestinian protests had spun out of control the previous day and escalated into gun battles between Israeli troops and Palestinian police that left five Palestinians dead and more than 320 injured in the worst Israeli-Palestinian unrest in several years. An Israeli Army spokesperson said that 10 soldiers had been wounded, including five hit by live rounds. In addition, seven journalists, Palestinians and foreign correspondents, had been wounded, some of them by gunfire. One Palestinian photographer employed by the German News Agency who was standing on the "Israeli" side had been seriously wounded. The clashes, the first involving Palestinian police firing on Israeli soldiers since the rioting in September 1999 over the opening of an Israeli-excavated tunnel in the Old City of Jerusalem, were sparked by Palestinian protesters marking the "Naqba" (catastrophe), commemorating the establishment of the State of Israel 52 years ago. (In 1998, five people had been killed in rioting on May 15.) Enraged by the lack of progress on the freeing of Palestinians security prisoners, Palestinian took to the streets throughout the West Bank and the Gaza Strip in what began as a protest march but then escalated into violence by the afternoon, particularly in Ramallah, Jenin and Nablus. Across the Palestinian-held areas, thousands of Palestinians battled Israeli soldiers with rocks and firebombs. Streets were littered with stones, and white clouds of tear gas and black smoke from burning tyres rose into the air. Two Palestinian policemen and two Palestinian demonstrators were killed in clashes in Ramallah and Nablus, site of the fiercest clashes. In Ramallah, about 400 Palestinians at first hurled stones and firebombs at Israeli troops. "We went out and threw stones at Israeli soldiers", said Fayez Akub, a 30-year-old marketing student who was hit in the face with a rubber bullet. "There was a lot of anger and frustration, then the soldiers started shooting heavily." Israeli sources said soldiers initially responded to the Palestinians with rubber-coated steel bullets and tear gas. But at about noon, Palestinian police shot over the heads of the demonstrators at Israeli soldiers, initially hitting an officer of the Israeli military police. The Israeli commander of the division in charge of the area, Colonel Gal Hiresh, then ordered his troops to respond with restraint but as the violence worsened he told them to direct their fire at the shooters. At one West Bank junction, Israeli snipers commandeered a Palestinian-run hotel and took aim at Palestinian gunmen hiding in building nearby. Hotel guests and staff, including nine Americans, were trapped in the lobby. One Palestinian guest who ventured outside was shot and wounded by snipers fire. (*Ha'aretz, Jerusalem Post*, 16 May)

87. On 21 May, it was reported that more than 100 Palestinians and 6 IDF soldiers had been wounded in the clashes over the weekend in the occupied territories. An IDF soldier was seriously wounded during an exchange of fire between IDF and the Palestinian police near Nezarim in the Gaza Strip. Palestinian medical sources said Israeli soldiers had wounded more than 50 Palestinians, including a *Reuters* cameraman, during clashes near Jewish enclaves in Hebron the previous day. Over the previous 10 days, 5 Palestinians were killed and over 600 wounded in the most violent clashes in years. (*Ha'aretz, Jerusalem Post*, 21 May)

88. On 22 May, it was reported that 15-year-old Sado Al Hawarin from Al-Thahiriya, Hebron District, had died from injuries he sustained during clashes on 15 May 2000 at the northern entrance to Al Bireh. Al Hawarin was the sixth person to die since the start of the demonstrations by Palestinians to commemorate the 1948 Naqba day and express their solidarity with Palestinian prisoners. (*Ha'aretz*, 22 May)

89. On 22 June, it was reported that Israeli security forces had shot and seriously wounded an armed Palestinian man in his fifties who had aimed his weapon at them at a roadblock near Beit Sahur. Safu Rha'adi, an Islamic Jihad activist, was in serious condition at Hadassah-University Hospital, where he underwent surgery for several bullet wounds. The IDF spokesman said security forces on operational duty in the area had set up a roadblock between Obaddiyah and

Beit Sahur. A taxi reached the roadblock and an armed Palestinian got out and aimed his weapon at those manning the roadblock, who immediately returned fire. (*Jerusalem Post*, 23 June)

90. On 28 June, Palestinian policeman Youssef Abu Nahal died of wounds sustained in a clash with IDF soldiers the previous month, his family said. The death of Abu Nahal, who had been shot in the stomach in Ramallah, raised to seven the number of Palestinians killed during nine days of violence in May, in which some 1,000 Palestinians were wounded. In another development, it was reported that Palestinians had buried the body of a Hamas suicide bomber who had blown himself up on an Israeli bus in August 1995 in Jerusalem, killing himself and four others and wounding about 100. Sufian Jabarin, whose body was handed over by IDF, was buried in his village, Dahariyah, near Hebron. (*Ha'aretz*, *Jerusalem Post*, 30 June)

91. On 9 July, a Palestinian woman, Aatidal Muamar, 33, was shot dead and five others were wounded when IDF soldiers opened fire near Kfar Darom settlement in the Gaza Strip. Muamar's husband and her seven-month-old son were in critical condition in a hospital in Israel. Another son, a daughter and a passenger in a second car were also wounded. The funeral of the mother of eight was held with full military honours. IDF announced that the soldiers had accidentally fired at the taxi in which the family was travelling as the soldiers were returning the fire of another vehicle from which shots had been fired at the IDF outpost in the area. According to the military sources, "the soldiers made a mistake, but the error is linked to the contradictory message they received from the army". Israel issued a formal apology to the Palestinian Authority over the incident, which had occurred during the night, on the road from Gaza to Khan Younis. The soldiers testified that shots had been fired at an IDF outpost on a bridge linking the settlement and the army position. Palestinian sources described the IDF explanations as "excuses". In an official statement, the Palestinian Authority said that the incident showed "that the presence of settlers in proximity to Palestinian populations causes trouble; to have peace in the region, it is necessary to uproot all the settlements". (*Ha'aretz*, *Jerusalem Post*, 10 July)

92. On 10 July, it was reported that IDF had suspended a lieutenant and a sergeant for their role in the fatal shooting of a Palestinian woman and the injury of several others near the Kfar Darom settlement in the Gaza Strip on 9 July. According to the army report, there were serious shortcomings in the way the IDF force operated in the incident, though the reason for suspending the two were not made public. According to the investigations, the soldiers had been quick to fire; "however, the wrong decision, made by the officer of the force, to act contrary to the regulations, has resulted in the tragic results of the incident". The incident was one in a long series of mishaps in recent years at IDF positions in the territories. Five Palestinians, two of them mothers, had been killed since 1998, owing to "misunderstandings" at IDF roadblocks. In no case had IDF taken serious disciplinary measures against the soldiers, and the reprimands had never amounted to anything more than suspensions. (*Ha'aretz*, *Jerusalem Post*, 11 July)

93. On 27 July, the Supreme Court held a hearing on the State's appeal against the acquittal of Nahum Korman, the security coordinator of a West Bank settlement, on the charge of killing an 11-year-old Palestinian boy, Hilmi Shusha, four years earlier. In Korman's trial in the Jerusalem District Court, the prosecution had charged that Korman, while chasing a group of boys who were throwing stones, had seized the boy, kicked him and hit him in the head with a rock, causing a brain haemorrhage leading to his death. Judge Ruth Ohr had acquitted Korman because she found contradictions in the testimony of the prosecution eyewitnesses, two cousins of Shusha. She also said that the coroner, Prof. Yehuda Hiss, whose autopsy findings had been cited by the prosecution, had too readily believed the cousins' testimony. She had acquitted Korman without asking him to relate his version of the incident. In its appeal, the State had argued that the judge had not been presented with an acceptable explanation of the child's death that could override the coroner's findings. According to the State, the coroner had determined that the boy's death had been caused by a blow to the head even before he learned that there were witnesses. (*Ha'aretz*, 28 July)

C. Economic, social and cultural effects that such a general system of regulation and the manner of its enforcement has on the lives of the people of the occupied territories

Children

94. On 4 April, it was reported that Defence for Children International (DCI) had charged the day before in a report presented to the United Nations Commission on Human Rights in Geneva that the Jerusalem Educational Authority (Manhi) had violated international law by rejecting Arab children from public schools. The report, entitled "The right to education in East Jerusalem: a study of policies and practices affecting Palestinian Jerusalemite children", profiled cases of Arab residents of Jerusalem who had been rejected by public schools owing to residency issues and overcrowding. "Israel's compulsory Education Law and the Convention on the Rights of the Child require that all children residing in Jerusalem be accepted to public schools", DCI official Ronit Aramati-Halperin stated. However, she added that, "despite the law, field research indicates that children are being prevented from registering in Jerusalem public schools". According to the report, children of parents who had had their residency status revoked, children with only one Jerusalemite parent and children who had moved from one neighbourhood to another often experienced difficulties or were denied access to schools. United Nations Special Rapporteur on education Katarina Tomashevsky said that "the four A's" must be provided for all children: availability, accessibility, acceptability and adaptability. Manhi had failed on the first two because Arab schools in the city were overcrowded with long waiting lists. (*Jerusalem Post*, 4 April)

95. On 11 April, it was reported that, according to the Palestinian Authority Central Bureau of Statistics, more than a fourth of the Palestinian children were living in poverty and a growing number were being forced to go out to seek work. "Among the most important reasons for this rise is the overall drop in the standard of living of Palestinians", Palestinian Central Bureau of Statistics Director Hassan Abu Libdeh said in a speech. (*Jerusalem Post*, 11 April; *Ha'aretz*, 12 April)

96. On 18 July, it was reported that thousands of Palestinian schoolchildren in Jerusalem were either not in school at all or were studying in private or Palestinian Authority schools because there were not enough classrooms in the East Jerusalem public schools system, according to a High Court petition submitted the day before. The shortage was called a violation of international law by Defence for Children International (DCI) in a report presented to the United Nations Commission on Human Rights in Geneva in April 2000. The petition was submitted by Meretz City Councilman Meir Margalit, Shirin Awida, a six-year-old girl from Beit Hannina due to enter first grade this year, and 116 other schoolchildren against the Jerusalem Municipality and the Education Ministry. The city had told the children that there was no room for them in the public school system for the current year. The children had asked the court to issue the State a show-cause order to either explain why it did not provide enough classroom space in public schools, or pay for their private education. The remaining children attend Palestinian Authority schools or spend the bulk of their time on the streets. Jerusalem deputy Education Authority head Binyamin Waller is quoted in the petition as explaining that the lack of classrooms should be attributed to the birth rate in East Jerusalem and the transfer of students from private to public education. The petitioners rejected the explanations, saying the municipality knew how to forecast classroom demands years in advance and that the trend towards transferring to public schools from private schools had begun some 10 years before. (*Jerusalem Post*, 18 July)

D. Other

97. On 5 March, about 60 Palestinian journalists, demanding easier access to news events, demonstrated at the al-Ram checkpoint. Television journalist Nabil Khatib said that, of about 400 journalists in the Palestinian Journalists Syndicate, 350 had no Israeli accreditation and 50 had accreditation but needed passes to cross the Green Line. The Government Press Office stated: "It is unreasonable for Palestinians who do not meet the security standards required ... to expect the Government of Israel to ignore citizens' legitimate security concerns." (*Jerusalem Post*, 6 March)

98. On 6 March, it was reported that residents of the Jewish settlement in Hebron had tried unsuccessfully to

interfere with work by Palestinians on a gas station the Palestinians intended to reopen on the city's Shohada Street, which has been a frequent location of confrontation between the sides. In January 2000, the High Court of Justice had ordered the State to permit Ahmed Al-Jaabri to reopen the gas station, which had been closed down by IDF following the massacre of Muslim worshippers perpetrated by Baruch Goldstein in the nearby Tomb of the Patriarchs in 1994. Jaabri had argued that because Shohada Street, located in the heart of Area H2 (under full Israeli security control), had been partly opened to Palestinian vehicular traffic after six years, he should be permitted to reopen the gas station. Work on the station had begun and immediately attracted dozens of settlers who, according to eyewitnesses, did everything they could to interfere with the work of the Palestinians. (*Ha'aretz*, 7 March)

99. On 27 April, it was reported that Israeli troops had blocked the path of Palestinian bulldozers and scuffled with Palestinians who had gathered at a site close to the Kfar Daroom settlement in Gaza in an attempt to redirect sewage pouring from the settlement into Palestinian agricultural land. Palestinians had repeatedly complained that sewage from the settlements in the Gaza strip either passed through Palestinian areas or was dumped into them, causing health problems and contaminating the shores of the coastal area. Sewage from the Kfar Daroom settlements had been repeatedly dumped into the valley next to Deir el-Balah over the previous six months. (*Jerusalem Post*, 27 April)

100. On 17 May, the Israeli Government supported the passage on parliamentary reading of two Likud bills that would require the agreement of at least 61 Knesset members in order for parts of Jerusalem to be transferred to a foreign power or for Palestinian refugees to be resettled in Israel. The coalition supported the measures even though doing so would tie its hands in negotiations with Palestinians. Palestinian Authority officials warned that the vote could jeopardize any future agreement on Jerusalem. Foreign Minister David Levy called on the entire Knesset to support the bill to show unity over Jerusalem. He wished to make it clear that "no commitments have been given with regard to Jerusalem". He added that the government policy was for a united Jerusalem under Israeli sovereignty. The Jerusalem bill passed by a vote of 68 to 21; the refugee bill had passed by 66 to 22. Minister for Jerusalem Affairs Haim Ramon noted that the Jerusalem bill related to an existing law enacted a year and a half earlier, the so-called "Golan Heights law", requiring a majority vote of 61 Knesset members to rescind territories currently under Israeli sovereignty. Therefore, he said, the bill was "nothing more than an attempt to legislate a law that already exists". (*Ha'aretz*, *Jerusalem Post*, 18 May)

101. On 18 May, it was reported that the level of poverty in the West Bank and the Gaza Strip was among the highest in the Middle East and North Africa. Poverty among the Palestinians living in the self-rule areas was comparable to that of some of the lowest-income countries in the world, on a par with such States as Nicaragua, Ghana and Viet Nam. The World Bank and the Palestinian National Poverty Commission were compiling a report on the level of poverty in the Palestinian Authority areas; the World Bank a week earlier had published a "Poverty Note" in advance of the completion of the final document. The two organizations used purchasing power parity (PPP) in addition to the level of economic development in the territories to measure per capita income. Although the territories had a relatively high per capita income when compared to other countries in the region, because their economy was so closely tied to the Israeli economy and their consumer price index was on a par with Israel's, the poverty rate was higher than that of Jordan, Tunisia, Algeria and Morocco. In 1998, 20.3 per cent of the Palestinians residing in the territories lived below the poverty line. According to the Palestinian Central Bureau of Statistics, this was something of an improvement compared with 1996 (23.6 per cent). The Gaza Strip was twice as poor as the West Bank, with poverty rates of 33 per cent and 14.5 per cent respectively. The same was also true in absolute terms: the number of poor people living in the Gaza Strip was double that of those living in the West Bank, since Gaza had twice the population of the West Bank. (*Ha'aretz*, 28 May)

102. On 1 June, it was reported that, following complaints from Jewish residents, the Jerusalem police the previous day had temporarily halted renovation work on a 100-year-old mosque in the Jewish Quarter of the Old City. The mosque near the Rambam Synagogue had recently reopened for prayers. Jerusalem Mayor Ehud Olmert said that the Waqf was entitled to do interior renovations at the mosque, "but we will not allow them to turn it into a centre of Palestinian activity". (*Jerusalem Post*, 1 June)

103. On 1 June, it was reported that settlers from Netzarim had blocked the Karni Crossing with their vehicles to prevent Palestinian trucks from bringing their merchandise into Gaza. The settlers were protesting the detonation of a roadside bomb as two families travelling in an IDF convoy were returning to their community the day before. (*Jerusalem Post*, 1 June)

104. On 11 June, it was reported that scores of Gush Etzion settlers had prevented Palestinians from building on an agricultural plot near Neveh Daniel three days earlier, claiming the work was illegal. Police and Civil Administration officials who reached the site had initially informed the settlers that the work was legal. Shortly afterwards Civil Administration officials had determined that the work was indeed illegal, and ordered the destruction of a wall built at the site by the Palestinians. (*Jerusalem Post*, 11 June)

105. On 10 July, it was reported that the Interior Ministry had refused to reinstate the Israeli citizenship of about 1,000 women who had married Palestinians and moved to the territories. The Ministry had said that one possible repercussion would be complications in the permanent status talks with the Palestinians. The Ministry had so informed the High Court of Justice in response to a petition by the Association for Civil Rights in Israel (ACRI), which had demanded the reinstatement of the women's citizenship. Supreme Court President Aharon Barak had harshly criticized the Ministry the previous year and said if the women involved were Jewish Israeli women who had moved to California to live with their husbands, the Ministry would not even consider stripping them of their citizenship. He called the policy "discriminatory and arbitrary". The Ministry claimed that the women had given up their citizenship voluntarily when they had asked to be listed in the territories' population register. However, following the Supreme Court's criticism, the Ministry said it would examine every request made by an Arab woman to have her Israeli citizenship reinstated, as long as no security issue was involved, and would even grant her children Israeli citizenship, as long as they lived with her in Israel. (*Ha'aretz*, 10 July)

106. On 23 July, Justice Minister Yossi Beilin said that the Israel public should realize that Israel had never controlled the Arab neighbourhoods in Jerusalem and that it was time to be rid of them. "Israel's annexation of 28 Arab villages in 1967 was very artificial, and the dream to make them an integrated part of Jerusalem was never fulfilled", the Justice Minister said, on a tour of the Arab neighbourhood in north-eastern Jerusalem which was to be handed over to full or partial Palestinian control as part of a peace agreement. (*Jerusalem Post*, 24 July)

II. Situation of human rights in the occupied Syrian Arab Golan

107. On 14 April, it was reported that the Prime Minister's Office had informed the head of the Golan Regional Council that the two-month-old Government-imposed prohibition on new construction on the Golan Heights had been lifted. The announcement had been transmitted via a phone call from Yossi Kucik, the director general of the Prime Minister's Office, to Yehuda Wollman, the head of the Council. Prime Minister Ehud Barak had remarked the previous day that the decision had been only natural "when we see only a narrow crack left in the door of the possible renewal of the negotiation with Syria". Barak added that the Golan project had been held up for several months because of the prospects of the talks with the Syrians, but now, "it is natural for them to be given approval to move forward". Golan Heights officials moved immediately to implement plans that had previously been blocked. Tourism plans included construction of a new 400-room hotel, a commercial centre and a boardwalk at Kursi Junction on the eastern shore of Lake Kinneret. A small hotel of 28 rooms was planned near the Hamat Gader hot springs, an area that had been discussed as a potentially joint Israel-Syrian tourist site. In the town of Katzrin, the "capital" of the Golan Heights, the existing industrial zone was to be expanded. There were also plans for 2,500 homes in four settlements, Had-Ness, Kanaf, Gamla and Ramot, based on a decision by the previous Government's Ministerial Committee for Settlements. (*Ha'aretz*, 14 April)

108. On 2 June, it was reported that the first stage of plans to build 200 new homes in Kaztrin on the Golan Heights had begun the day before with contractors being asked to submit tender estimates for the construction of the initial 86 homes. Work on laying infrastructure for the new development has been completed and construction can now go ahead, according to the Kaztrin local council head, Sammy Bar-Lev. He noted that the approval for the new project

had only been given several months earlier, with the breakdown of peace talks between Israel and the Syrian Arab Republic. "During this time we need to build as much as we can and bring newcomers here and persuade everyone that the situation is irreversible, and that the Government has to think about new models regarding a real peace with Syria under which Israel would retain the Golan," Bar-Lev said. (*Ha'aretz, Jerusalem Post*, 2 June)

109. On 13 June, it was reported that the proposed visit by over 100 persons from the Golan to the Syrian Arab Republic to participate in the funeral of Hafez Assad had been delayed the previous day because of what appeared to have been a misunderstanding over the size and the composition of the delegation. Angry members of the delegation demonstrated at the Quneitra crossing point on the Golan in the morning after they discovered that fewer than half of those whose names had been submitted to make the trip had actually been accepted. The vast majority of the Golan population had refused Israeli citizenship after the region was captured by Israel from the Syrian Arab Republic in the Six-Day-War and they consistently reiterated their Syrian identity. They had regarded Assad as their leader and had held a mourning ceremony in the largest of the villages, Majdal Shams, on 11 June after the announcement of his death. According to the local population, it had been agreed that a delegation of 170 people would be allowed to make the crossing to attend the funeral and pay their condolences and respect to Assad's successor, his son, Bashar. The Interior Ministry in conjunction with the General Security Service, however, had only given permission for just over 100 to make the trip. When the delegation learned of the reduction in the number of the people in the delegation they became angry and all turned back. They accused the Israeli authorities of being responsible for the problem, charging that some names had been removed from the list for so-called security reasons and others added in their place. (*Ha'aretz, Jerusalem Post*, 13 June)

110. On 24 July, it was reported that the Golan Regional Council was continuing to expand settlements and create infrastructure. Its representatives were submitting a proposal to the National Sewage Administration to establish a sewage plant right next to the Beit Sida Nature Reserve, considered the most important nature and landscape site in the area of Lake Kinneret. According to Avi Sharon, chief engineer for the Golan Regional Council, the new reservoir would be able to accommodate an expansion of the existing settlements up to 2,500 households. (*Ha'aretz*, 24 July)

111. On 30 July, it was reported that for the second time in two weeks, for "security" reasons, Arkia Airline officials had kept Druze ticket holders from boarding a plane at the Kiryat Shmona airport. In the incident, a Druze couple from the Golan Heights had not been permitted to board despite the fact that their flight tickets had been booked and paid for in advance. Arkia explained that while it regretted the inconvenience caused by its decision, the non-flight policy was in accordance with guidelines dictated by the General Security Service. Malak, 24, and Abu-Arar Safadi, 18, from the village of Majdal Shams on the Golan Heights, had been married the week before and intended to fly from Kiryat Shmona to Tel Aviv en route to their honeymoon vacation in Turkey. In a similar incident, the week before, six Druze would-be passengers from Majdal Shams had also been prevented from boarding an Arkia flight. The airline had referred to the GSS guidelines in that case as well. (*Ha'aretz*, 31 July)

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Sudan

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in the Sudan prepared by Leonardo Franco, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 54/182 of 17 December 1999 and in accordance with Commission on Human Rights resolution 2000/27 of 18 April 2000[1] and Economic and Social Council decision 2000/258 of 28 July 2000.

* In accordance with General Assembly resolution 54/248, sect. C, para. 1, this report is being submitted on 11 September 2000 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan

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I. Introduction

1. The Special Rapporteur reviewed the situation of human rights in the Sudan, undertook a mission to the country and prepared a draft report but, owing to a family emergency, was not able to finalize it in time for its submission to the Commission on Human Rights at its fifty-sixth session. A note by the secretariat (E/CN.4/2000/36) replaced that report, and reflected the Special Rapporteur's conclusions and recommendations. The present report contains the findings of the mission and updated information on the overall situation.

2. The Special Rapporteur acknowledges the very good cooperation received from the Government of the Sudan throughout his visit. Particular thanks go to the Rapporteur of the Advisory Council for Human Rights, as well as to the Office of the Resident Coordinator at Khartoum, the United Nations Children's Fund (UNICEF) and Operation Lifeline Sudan (OLS).

II. Respect for human rights and humanitarian law in the conflict

A. Peace talks

3. Within the framework of its peace initiative for the Sudan, the Intergovernmental Authority on Development (IGAD) has held several rounds of talks in Nairobi during the past seven years without, however, making any breakthrough. Although the appointment of a mediator late in 1999 initially gave new impetus to the negotiations, the most recent rounds of peace talks ended in deadlock over (a) the issue of separation of religion and state and (b) which zones could be termed part of southern Sudan and hence included in the referendum on self-determination provided for in the IGAD Declaration of Principles. Furthermore, the intensification of hostilities created an adverse atmosphere for the continuation of talks.

4. In October 1999, the Governments of Egypt and the Libyan Arab Jamahiriya agreed on steps to implement a joint comprehensive peace initiative for the Sudan. Efforts are under way to merge it with the IGAD initiative.

5. An IGAD delegation visited Khartoum late in July 2000 to arrange a special session to resume negotiations and, on 17 July, the Government of Egypt convened a preparatory conciliatory meeting which was initially to be held at Cairo.

6. At the grass-roots level, within the people-to-people peace process, progress was reported with the Liliir Peace Conference, brokered by the New Sudan Council of Churches and held in the Bor area of the Upper Nile, from 9 to 15 May 2000. The Conference reunited more than 250 traditional and civil leaders, representing members of the Anyuak, Dinka, Jie, Kachipo, Murle and Nuer ethnic groups from the region, to address the root causes of their conflict.

B. Intensification of military activities

7. During his mission, the Special Rapporteur held numerous consultations with governmental officials, national and international organizations, the Sudan People's Liberation Movement and Liberation Army (SPLM/A) and individual experts. He received well-documented information, often from first-hand sources, pointing to the perpetration by all parties to the conflict of massive and systematic violations of human rights and international humanitarian law, the principal targets of which were innocent civilians.

8. As elaborated below, the Government continues to resort to the indiscriminate bombing of civilians, as demonstrated by the Kaouda school incident in February 2000. During his mission, the Special Rapporteur learned that, on some occasions, civilians were deliberately targeted as they gathered for food distribution. Access to humanitarian aid is often severely hampered. Allegations were received of forced displacement of members of the Nuer population, aimed at gaining control of the oil zone, followed by resettlement of Baggaara tribes in the same areas. Finally, despite the positive step marked by the creation of the Committee for the Eradication of Abduction of Women and Children (CEAWC), consistent information was received whereby armed attacks against civilians have continued in northern Bahr el Ghazal, some of them involving abductions of women and children.

9. The Special Rapporteur also received information on serious disregard for international humanitarian and human rights law by SPLM/A, as reflected below, concerning the forced recruitment of children and

planting of mines, in particular but not only in Eastern Equatoria.

10. After the mission, and in spite of the signature on 7 May 2000 of a United Nations-brokered agreement between the Government and the rebels on relief transport in Bahr el Ghazal, the situation of human rights and respect for humanitarian law within the conflict deteriorated. The Government intensified its systematic policy of bombing civilians and civilian installations. SPLA launched an offensive during the ceasefire in northern Bahr el Ghazal, which led to the capture of Gogrial on 24 June. As a result, the ceasefire has not been renewed since it expired in July;[2] new waves of displacement have taken place and access to the needy population has become more difficult, thus increasing the potential for another humanitarian catastrophe.

11. The co-chairs of the Committee on Sudan of the IGAD Partners Forum confirmed reports of extensive military activity and troop movements in Bahr el Ghazal and declared on 19 July 2000 that offensive military actions were strongly condemned as they contributed to threatening the civilian population that the ceasefire should protect, that IPF had previously condemned the bombing of civilian targets and had expressed grave concern about the violation of the ceasefire, and that the capture of Gogrial was a clear violation of the SPLA unilateral ceasefire that had been extended from April 15.[3]

C. Bombing of the civilian population

12. The Special Rapporteur is profoundly shocked by the recurrence of the Government's practice of bombing civilians and civilian installations, including humanitarian ones.

13. Prior to his mission, the Special Rapporteur was informed of a number of attacks against civilians and expressed his indignation at the bombing of the Upper Kaouda Holy Cross school in the Nuba Mountains, which resulted in the death of 14 children (see E/CN.4/2000/36). While on mission, further incidents occurred which were confirmed by the United Nations security in Lokichoki: on 29 February, two bombs in Kaya killed two people, and two bombs in Lijo killed eight. While in Lokichoki, the Special Rapporteur learnt of a further incident in Lui, western Equatoria, on 2 March, in which three people were reported killed and three wounded.

14. Regrettably, after the mission, incidents intensified despite President Omar al-Bashir's announcement on 19 April regarding the cessation of all air bombing operations in the south except those carried out in self-defence and in areas of operation. The following incidents were reported in 2000:

(a) On 29 April 2000, a woman and a child were reported to have been killed in Girgir;

(b) In early June, an attack by air and ground forces against a Catholic mission near the city of Gumriak reportedly resulted in the death of 32 individuals, including women and children;

(c) On 25 June, eight bombs were reportedly dropped in Kajo Keji, Eastern Equatoria. No information was received on casualties or damage;

(d) On 30 June, it was believed that an area west of Mapel and south of Bussere, Bahr el Ghazal, had been bombed. No reports of casualties or damage were received. On the same day, in Yei, Eastern Equatoria, 12 bombs were reportedly dropped, resulting in one casualty and one tukl being burnt;

(e) On 2 July, bombs hit an open area between the Catholic and Episcopal churches and a marketplace in Rumbek, killing a young girl and a pregnant woman and injuring 23 individuals;

(f) On 2 July, several people were injured and houses were damaged in Liethnom, Lunyaker and Cueibet;

(g) On 7 July, several unconfirmed reports were received of bombing, in particular around Aweil;

(h) On 12 July, two of 19 bombs dropped in Akon, Bahr el Ghazal, reportedly landed 250 metres from the UNICEF compound. No casualties were reported;

(i) On 17 July, Chelkou airstrip was bombed, resulting in one woman injured and the destruction of several houses. The cabin of an International Committee of the Red Cross (ICRC) plane was damaged by shrapnel;

(j) On 20 July, bombs were dropped in Lietnom, Bahr el Ghazal, resulting in one civilian injured and two tukls erected by Vétérinaires sans frontières destroyed;

(k) On 22 July, 24 bombs were dropped in five bombing runs on Nyamlell, Bahr el Ghazal. No casualties or damage were reported, even though some of the bombs fell close to the compound of the non-governmental organization Concern;

(l) On 28 July, several bombs landed in Akhuem, northern Bahr el Ghazal, close to a plane of Médecins sans frontières and near its health centre which serves 20,000 people in the area. After the bombing, the organization's medical team evacuated the area;

(m) On 7 August, 18 bombs were dropped near an OLS base in Mapel, Bahr el Ghazal, reportedly killing at least 8 civilians and wounding at least 200. The nearby town of Tonj was also bombed.

15. As a result of the latter incident, OLS temporarily suspended aid flights on 8 August. The Secretary-General expressed concern about the consequences of the suspension for the people who rely on relief aid to survive and about the security of OLS personnel and facilities. He was also particularly alarmed at the Mapel bombing which had involved a United Nations aircraft that had been cleared by the Government to undertake its flight.

16. On 10 August, members of the Security Council expressed concern over rising violence in the Sudan and, on 11 August, called upon the parties to resume their humanitarian ceasefire and allow the United Nations access to all civilians in need. A number of countries and organizations also condemned the bombing incidents. It was estimated that, as a direct consequence of the escalation of the conflict, some three million people in southern Sudan may face severe food shortages.

17. As a first official response, the Government urged the Secretary-General to intervene for the resumption of flights while President al-Bashir promised to ensure the safety of humanitarian operations. The United Nations decided to resume its humanitarian flights on 16 August at a time when the Government was proposing a review of the United Nations humanitarian programme.

D. Oil issue: situation in western Upper Nile

18. In his previous report to the General Assembly (A/54/467, annex), the Special Rapporteur focused on the economic, political and strategic implications surrounding oil exploitation in western Upper Nile, which have seriously exacerbated the conflict, thereby causing a deterioration in the overall situation of human rights and respect for humanitarian law and narrowing the slim chances for peace.

19. Canadian sectors of civil society accused Talisman Energy Incorporated of being the passive accomplice of human rights abuses in Upper Nile so as to guarantee security for its oil operations. As a result, in October 1999, the Government of Canada decided to send an assessment mission to, inter alia, investigate and report on the alleged link between oil and human rights violations, in particular in respect of the forced removal of populations around the oilfields.

20. The findings of the mission, led by John Harker late in 1999, largely confirmed the observations of the Special Rapporteur and shed further light on the May/June 1999 offensive in Ruweng county, revealing that, from April to July 1999, the decline in population in the county seemed to have been in the order of 50 per cent, and that over the years, the series of attacks and displacements were leading to a gradual depopulation of the area, since only a percentage of people who fled returned after each displacement.

21. The Harker mission pointed out that while there have always been pressures on the Dinka in the Heglig-Ruweng area as a result of inter-tribal fighting with Arab nomads for grazing areas and dry-season water, the situation had worsened with the beginning of oil exploration and had continued to deteriorate over the years because of the periodic offensives launched by the Government and its allies, resulting in destruction and mass population displacement.

22. During his mission, the Special Rapporteur attempted on two occasions to travel to the oil area but was unable to do so because of security reasons. In meetings in Khartoum and Lokichoki, however, he was able to glean some information.

23. During a meeting with representatives of Talisman Energy Incorporated, the Special Rapporteur was informed that there was a military camp close to the oil fields and that military movement around it did

take place. Talisman representatives also confirmed that the Heglig airstrip was used for military purposes, although allegedly defensive, on several occasions.

24. It was also reported that Talisman was developing Heglig through the construction of facilities such as schools and hospitals, while encouraging its workers to move there. Miseiriyya, who are part of the Arab Baggaara tribes, were moving into the region, thus putting further pressure on the local Nuer who were reportedly leaving the area and heading towards the south or to the Shuluk area of Tonga in the direction of Malakal. It was also reported that some names of the local villages had been adapted to the Arabic language, which might imply a strategy aimed at arabizing the area, with a view to claiming it. This would make sense considering that Bentiu, itself a garrison town, is an enclave controlling the oil, within territory held by SPLM/A.

25. It should be noted that, although the information received strongly emphasized the seriousness of the displacement, owing to problems of security, logistics and the Government hindering access, it was very difficult to gather precise information on the number of people affected.

26. It was also reported that a new urgent humanitarian crisis, mainly related to the fighting in Upper Nile, was taking place, involving looting and destruction of crops and villages and generating further displacement. It was reported that, on several occasions, the Government had denied access to OLS in western Upper Nile. Humanitarian assistance was, however, brought in by other agencies. At the beginning of August, the United Nations estimated that there were up to 40,000 internally displaced persons moving into Bentiu, most in an alarming nutritional state. Further influxes of displaced people may turn catastrophic since the area is already facing a situation of critical food shortage.

27. Further studies by non-governmental organizations have appeared, which document the various aspects of the links between the oil issue and the human rights situation.

E. Committee for the Eradication of Abduction of Women and Children

28. In his report to the General Assembly at its fifty-fourth session (A/54/467), the Special Rapporteur welcomed the creation of CEAWC and suggested that its work be assessed against: (a) the identification, tracing and retrieval of abducted women and children; (b) their reunification with their families of origin; and (c) the undertaking of a study on the root causes of this practice in order to prevent its reoccurrence.

29. The Special Rapporteur expresses the hope that CEAWC will also address concerns raised in a number of human rights circles regarding the existence of the slavery-like practices that arise in connection with war strategies.

30. During his mission, the Special Rapporteur received general information reiterating data collected previously, indicating that between 5,000 and 15,000 Dinka children and women had been abducted and transferred to the areas of the Arab Baggaara tribesmen. Abductions allegedly occur during raids by Baggaara armed militia, maverick groups and bandits, or members of the Government-affiliated People's Democratic Front (PDF). Abductees are subsequently forced to herd cattle, work in the fields, fetch water, dig wells, do housework and perform sexual favours. Their treatment is extremely harsh: abuse, torture, rape and, at times, killing being the norm.

31. During his mission, the Special Rapporteur had the opportunity to discuss the issue with the Rapporteur of the Advisory Council for Human Rights and Chairman of CEAWC and with the Chairman of the CEAWC Dinka Committee, who invited him to his house where a number of former abductees were staying, pending reunification with their families. Consultations were also held with representatives of UNICEF and Save the Children Fund (United Kingdom of Great Britain and Northern Ireland). The Special Rapporteur also travelled to Nyala, Darfur, where he met with representatives of the tribal committees and CEAWC field office and conducted extensive interviews with former abductees.

32. It was reported that, of the approximately 1,230 documented cases that were traced and retrieved in field missions in Southern Darfur, Al-Fulla, Western Kordofan, Adeela, Al-Daein and Nyala, 353 children had been reunited with their families.

33. The Special Rapporteur was informed that, despite the strong commitment shown by some members of CEAWC, the process had been inordinately slow, expensive and wrought with obstructions from various actors at the national and subnational levels. The need

for a massive advocacy campaign aimed at the broadest range of actors, from the President down to the walis, tribal and religious leaders, opinion-makers, the media, intellectuals and university lecturers, was often underscored.

34. The Special Rapporteur was highly impressed with the quality of senior CEAWC authorities and regrets that the Chairman of the Dinka Committee reportedly suffered abuse, including detention and other serious impediments to the discharge of his mandate.

35. The Special Rapporteur was informed that no serious investigation had taken place of the root causes of this practice, possibly because of a lack of engagement of the top political leadership in the process or a reluctance to cooperate.

36. In a meeting held in Khartoum with Baggaara representatives, the Special Rapporteur also received information on isolated cases of abductions of women from the Rizeigat and Miseiriyya groups by SPLM/A. A list of cases was given to the Special Rapporteur, who forwarded it to SPLM/A which denied any involvement. Information was also received that would confirm that certain elements of SPLM/A would personally benefit from the trade engendered by the redemption policy adopted by some international non-governmental organizations.

37. The Special Rapporteur had expectations that, with the creation of CEAWC, there would be no recurrence of raids. He learned with dismay, however, that, on 21 February 2000, PDF allegedly attacked several villages in eastern Aweil and Twic counties, northern Bahr el Ghazal, killing 16 civilians, abducting some 300 women and children and stealing cattle while looting and burning villages. The information was confirmed by United Nations security officers in Lokichoki. The number of abductees was not, however, confirmed. Upon his return, the Special Rapporteur raised this incident with the Sudanese authorities in Geneva, who promised to shed light on the incident.

F. Abuses by SPLM/A in Eastern Equatoria

38. Credible reports were received whereby SPLA, mostly Dinka, was behaving as an occupying army in Eastern Equatoria and was incapable of generating any trust in the local Didinga population.[4] It was reported that people were often mistreated and sometimes had the feeling that they were in a foreign country. The local Didinga civil administration cannot work properly owing to the intimidation it is subjected to by SPLM/A which have the military power. Movements of people have been reported, owing to a lack of food, since SPLM/A take a percentage of the food distributed. The issue of diversion of food aid by SPLM/A was raised with the SPLM/A representatives in Nairobi. While one SPLM/A representative flatly denied the allegation, another informed the Special Rapporteur that a committee had been created in 1999 to look into any such incident and that the situation had now improved.

39. The Special Rapporteur was informed that some 2,500 Didinga had left the region to seek refuge in the neighbouring countries: 1,500 were reportedly hosted in Kakuma refugee camp, Kenya, and over 1,000 in Acolpi, Uganda, most of them unaccompanied minors aged 5 to 15 years. It was also reported that women were often raped and that the risk of the spread of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) was increasing. Some women had reportedly been taken at gunpoint and married against their will, while others had disappeared. There was widespread fear of reporting abuse. These incidents had been occurring from as far back as early 1994 and had exacerbated the troubled relationship between the Didinga and SPLM/A to the point of no return. Many believe that reconciliation is now impossible, since the Didinga consider that they have suffered too much.

40. Several reports were received that SPLM/A were forcefully recruiting children. In December 1999, in the villages of Lorus and Nimule, Eastern Equatoria, SPLM/A took by force a number of children to train as soldiers. It was reported that up to 27 schools in the region had been closed and that children were therefore lacking all kinds of education. The Special Rapporteur raised the issue of the forced recruitment of children with SPLM/A representatives in Nairobi, who denied all allegations, defining SPLA as a voluntary army and claiming that efforts were under way to demobilize any children under the age of 16 years and to put them into school.

41. Credible, reiterated reports were received that SPLM/A were planting mines around villages in Eastern Equatoria for purposes of defence. This practice often prevents the local population from

cultivating the land and seriously affects internally displaced persons. It was further reported that children had been seen collecting mines and that mines had exploded, maiming the child. The issue of mines was also raised by the Special Rapporteur in his meeting with the SPLM/A representatives, who stated that SPLM/A only replanted mines that had originally been planted by the Government, moving them to other locations. SPLM/A also informed the Special Rapporteur of efforts to demine the areas under its control.

G. Refugee situation

42. In June 2000, more than 50,000 Eritrean refugees reportedly had fled into Kassala state on the eastern border with Eritrea since fighting between Ethiopia and Eritrea resumed on 6 May. The Sudan was already hosting some 150,000 Eritrean refugees prior to May 2000, as well as some 12,000 Ethiopians, many of whom had lived in refugee camps in the Sudan for up to 30 years. The exodus into the Sudan almost coincided with the planned start of the United Nations voluntary repatriation of Eritrean refugees.

43. On 1 August, the United Nations High Commissioner for Refugees (UNHCR) reported that 11,785 Eritrean refugees had returned to Eritrea from the Kassala camps since the start of its voluntary repatriation programme on 25 July.

44. UNHCR figures on Sudanese refugees abroad, released early in April, referred to some 200,000 individuals in Uganda and 65,000 in Kenya, with more than one half of all refugees being under 18 years of age.

45. During her visit to the Sudan in June 2000, the United Nations High Commissioner for Refugees praised the Sudan for having sheltered thousands of refugees for decades, including the most recent arrivals from Eritrea.

III. Constitution and transition to democracy

46. In his previous reports, the Special Rapporteur devoted significant attention to the 1998 Constitution and its implementation. During his most recent mission, he reiterated that the Constitution should make express mention of the status of the international human rights treaties to which the Sudan is a party.

A. 1999 National Security Forces Act

47. The 1999 National Security Forces Act, which repealed the 1994 Security Act, regulates the functions and competence of the security apparatus and is to be read in conjunction with the 1996 Regulations on the internal and external security services. The Special Rapporteur takes note of the Government's view that the law represents an improvement, yet submits that it still raises serious questions that need immediate attention.

48. The Special Rapporteur considers that the security forces deem themselves to be above the law and act with virtual impunity, and has expressed serious concern in this regard. The 1999 law provides for the creation of a special court to deal with security-related cases. Among other crimes, the special court, which is composed of security officers with no participation of members of the regular judiciary, exercises jurisdiction over cases of abuse of power by security agents. Governmental officials reported that it had become the practice that cases involving physical or material damage to private citizens were referred to ordinary courts. The Special Rapporteur would welcome such practice being enshrined in law. He also requested the authorities to provide him with evidence of public trials held against members of the security forces.

49. The Special Rapporteur is deeply concerned about the derogations that the law allows from ordinary procedures of arrest and custodial detention. In particular, the law prescribes that: (a) a security agent can carry out an investigation, including acts such as search and arrest, with the sole authorization of an order issued by the Director General of the Security Services; and (b) within the first three days of detention, the security agent must provide reasons for arrest. This detention can be prolonged for a further 30 days by the Director General who is under an obligation to inform the competent prosecutor who, however, has no obligation to review the case until it becomes eligible for another 30-day extension period. Custodial detention can then be extended for an additional 30 days, this time with the approval of the competent prosecutor. In accordance with the law, the arrested person can contact her or his family or peer

group if that does not prejudice the investigation of the case, but the law does not provide for the arrested person to contact a defence lawyer, which virtually opens the way to incommunicado detention.

50. The Special Rapporteur noticed that, while the Prosecutor's Office exercises full state authority under the Ministry of Justice, there appears to be a lack of counterbalancing institutional guarantees in favour of the suspect, such as prompt and adequate access to a defence lawyer and the right to an independent judicial review of the detention. According to the law, public prosecutors having competence over security cases are appointed by the Minister of Justice. While governmental officials stated that it is the practice for the highest ranking prosecutor to follow security cases, other sources suggested that such prosecutors are selected on the basis of their close ties with the security apparatus. A collusion of interests in the executive with regard to security cases can never totally be ruled out.

51. The 1996 Regulations provide the arrested person with the right to seek a judicial review from a competent judge. In practice, however, since the detainees are not guaranteed access to persons other than security agents, they may not benefit from that right. Therefore, the Special Rapporteur recommends that judicial review become mandatory for all cases of security detention.

B. Emergency declaration of 12 December 1999

52. The impact of the emergency declaration of 12 December 1999 on the human rights situation was one of the main issues analysed by the Special Rapporteur during his mission.

53. It should be recalled that, on 12 December 1999, two days before Parliament was to pass a Turabi-backed constitutional amendment,[5] President al-Bashir declared a state of emergency throughout the country for a period of three months, under articles 43 (d) and 131 of the Constitution. On 24 January, following an agreement with Parliamentary Speaker Hassan al-Turabi, President al-Bashir appointed a new government. While the four key ministers, of defence, external relations, the interior and information, kept their posts, the number of government posts was reduced from 27 to 25. On 12 March 2000, the state of emergency was extended until the end of the year. On 23 April, the Government announced presidential and parliamentary elections for the second half of October.

54. Late in June, following President al-Bashir's previous decision to suspend the general secretariat of the National Congress, thereby suspending Hassan al-Turabi's political activities within the party, the latter announced the registration of a new party, the Popular National Congress.

55. During the mission, the Special Rapporteur noted with appreciation that the emergency declaration had not been followed by large-scale measures against human rights and people appeared to be enjoying a greater degree of freedom of expression and assembly than during his previous missions. This may be the result of the power shift within the ruling party, the Government's efforts to improve its international relations and the role of the political opposition.

56. Nevertheless, the Special Rapporteur also received elements substantiating the conclusion that, in spite of this encouraging new climate, patterns adversely affecting human rights continue. Such rights remain vulnerable, owing to the expansion of powers enjoyed by the security organs, the lack of judiciary revision and, in general, the tight control of the ruling party over the institutions and the social life of the country.

57. The new ambivalent scenario was apparent during an open-air meeting organized by a prominent lawyer, at which a number of opposition figures were present. During the event, the Special Rapporteur noted with appreciation that the number of participants was at least double that of a similar event arranged on the occasion of his previous visit. He also noticed that participants used microphones and recorded their interventions. The Special Rapporteur also noted with appreciation the creation of a new human rights non-governmental organization.

58. A number of very serious concerns were, however, raised. Some of the speakers, while recognizing that some progress had been made, expressed acute concern about the role of security agents who are invariably identified as putting in jeopardy human rights and fundamental freedoms. Specific concerns were raised about the right to freedom of association: it was reported that the current trade union law was not in line with conventions of the International Labour Organization and that amendments were therefore necessary. Also, there is

reportedly no law allowing the establishment of civil society organizations, the existing law having been suppressed for security reasons. Concerns were also expressed at the Tawali law, which was subsequently replaced. Political participation through a free election is virtually not possible, since many political parties are still in exile. As for freedom of expression, the Press and Publication Act reportedly allows for the arbitrary suspension of newspapers with no court involvement in the decision, with the result that the press is intimidated.

59. Particular concerns were expressed about the increasing number of internally displaced persons, in particular women who had lost their husbands owing to the war and children, many of whom were deprived of shelter, education, access to food and medical care. Most of these persons are illiterate and have no other means of earning their living than to resort to traditional brewing, which is a crime under the Sharia law in force in the north. The Public Order Police therefore arrest them and often subject them to ill-treatment and torture, including sexual abuse and lashing. Children have at times a communication problem: most of them do not speak Arabic and, being far from their area of origin, they often do not even speak their native language. Since their mothers are not able to take care of them, they are often incapable of communicating, let alone of getting any education. The Government has set up schools which provide evening classes but many cannot attend them because they live too far away. It was reported that those who could not be accommodated in the camps provided by the Government had to be temporarily confined to the outskirts of the major towns. After 10 to 15 years, they have now been relocated by force without any notice. The plight of the people in the Nuba Mountains was also referred to as a matter of concern.

60. Regarding the situation of Sudanese citizens abroad, the Special Rapporteur was pleased to learn of measures adopted by the Government in June that facilitate the right to return of certain political leaders and militants in exile.

IV. Women's rights: visit to Omdurman Women's Prison

61. During his visit to the Omdurman Women's Prison, the Special Rapporteur, although accompanied by governmental officials, was able to speak freely with some of the inmates.

62. The prison administration informed the Special Rapporteur that there were 826 inmates held in Omdurman,[6] 820 of whom had been convicted and 6 indicted; 182 had been released by presidential order, 166 by court decision and 2 after payment of a fine, in one case a combination of blood money and a fine.

63. There were 159 mothers and 181 accompanying children who were under the supervision of their mothers and the prison administration. Ninety per cent of the inmates were in jail on charges of brewing alcohol. No separate facility was foreseen for political prisoners (of whom there were none at the time of the visit) or for detainees on death row (there were none at the time of the visit), who are usually held with those who have been sentenced to the longest terms.

64. From the interviews conducted, it emerged that, in most cases, the Public Order Police are responsible for the arrests. Women are only occasionally charged but are often beaten up. Most of them had not received any legal assistance. Some of them had been tried by a judge with no legal representation whatsoever, and sometimes no witnesses. Several cases of similar nature were detected, to the extent that a pattern could be identified. Women from southern Sudan move to the north to flee the war. Many of them resort to alcohol brewing to make money and feed their children. Revenues from alcohol brewing are reportedly the only ones that women can keep for themselves, whereby any other revenue would have to be handed over to their husbands. Reportedly, although most of the inmates had been jailed for brewing alcohol, the alcohol sometimes had been bought by the police themselves who had then used it as evidence against the women. Concern was raised about the fate of children once mothers had been arrested, since most of them become street children, with no one taking care of them.

65. The delegation visited some of the cells as well as the washrooms. It was reported that hygienic conditions are not satisfactory and that water was often cut off. Also, the food was scarce and of poor quality. It was reported that inmates were not allowed to receive food and that if relatives brought it, it was immediately confiscated by prison wardens. It was also reported that visits were not always allowed and that relatives were sometimes asked to pay. To a certain extent, health care is provided. Ill-treatment was also

common, although rumours that rape occurred within the detention facility were not confirmed.

66. The Special Rapporteur was relieved to learn that, in May 2000, some 563 women had been released from Omdurman following a nation-wide presidential decree. At the end of the month, another 389 women serving terms in provincial prisons were set free. The decree provided that all women jailed for public order offences, including liquor trafficking, drinking and misbehaving, be released. It was reported that more than 80 per cent of those released were non-Muslim southerners convicted of making or selling alcohol.

V. Rights of the child and juvenile justice

67. The Government of the Sudan has ratified the Convention on the Rights of the Child and submitted its initial and first periodic reports to the relevant Committee. By doing so, it provided evidence of a strong commitment to upholding international standards in the field of children's rights. The Special Rapporteur is thus confident that the observations below will receive attentive consideration.

68. In the Sudan, the minimum age of criminal responsibility is set at 7 years. Although article 40 (3) of the Convention on the Rights of the Child does not define a specific minimum age, requiring the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe penal law, the Committee on the Rights of the Child has frequently expressed concern when the age is set too low, be it 7 or 10 years (see CRC/C/15 Add.15, CRC/C/15/Add.102 and CRC/C/15/Add.116). Apart from situations where no age is determined by the law, 7 years is the lowest minimum age recorded internationally.

69. In the Sudan, article 47 of the 1991 Criminal Act includes, among the measures of welfare and reform prescribed for juveniles, whipping not exceeding 20 lashes, by way of discipline. The Committee on the Rights of the Child has indicated that corporal punishment of children is incompatible with the Convention on the Rights of the Child (see CRC/C/34, annex IV, sect. II.B), referring in particular to article 19 which requires protection of children from all forms of physical or mental violence. The Special Rapporteur wishes to be associated with the Committee's expression of hope that the review of child-related laws will result in the total abolition of flogging (CRC/C/15/Add.10, para. 17).

70. The Special Rapporteur has previously reported on the use of children as combatants. In this connection, he was relieved to learn that a demobilization camp was set up in Rumbek as a result of a joint effort by UNICEF and SPLM to move the under-aged troops off the battlefield.

71. The Special Rapporteur visited a reformatory, at which juveniles between 7 and 18 years of age are detained as a preventive measure for up to three years. A total of 82 boys and 13 girls were being hosted. The detention seems to be rather a form of rehabilitation aimed at providing children with some skills, with the assistance of social workers. The reformatory administration advised that children there are treated as such rather than as prisoners; they can leave the facility and travel to see their families who have free access to them and can visit and bring them food.

72. The delegation briefly chatted with some of the children and was informed by one of them, aged 17 years, from western Sudan, that she had been arrested while at the market with a group of people who were brewing alcohol. She had reportedly been sentenced to two years. Another child, aged 14 years, had been sentenced to one year and three months for the theft of money, while another, aged 13 years, had been caught with stolen money.

73. The delegation was informed that children wake up, pray and go to school where they are taught mathematics, sciences, Islamic literature and religious studies, both for Christians and Muslims. They are allowed to play football on Fridays and Sundays. Hygienic conditions seemed to be acceptable, the place looked clean and so did the children who reported that they can wash themselves with soap.

VI. Other reported violations of human rights

A. Individual cases

74. The Special Rapporteur expresses concern at information received during his stay in the Sudan which reveals the persistence of cases of human rights

violations in the northern part of the country, although the number appears to be declining.

75. On 26 February 2000, a wrap-up session was held with the Rapporteur of the Advisory Council for Human Rights, during which the Special Rapporteur handed over a list of selected cases of allegations of human rights violations for the Government to follow up. The list, which covered the period from April 1999 to the end of the visit by the Special Rapporteur, identified five cases of torture, seven cases of arbitrary detention (affecting some 50 individuals), three cases relating to freedom of expression and one case linked to freedom of movement. The list also included three cases of disappearances dating back to 1997/1998 and seven further cases of arbitrary detention affecting some 20 individuals, which, however, had not been confirmed.[7]

76. The Special Rapporteur remains concerned that, despite the more favourable political environment described above, he continued to receive allegations after his mission, including cases of extrajudicial killing, torture and arbitrary detention. The cases will be submitted to the Government.

B. Suspension and/or dismissal of students

77. The Special Rapporteur received substantiated information regarding action intended to limit the rights of students belonging to opposition groups, to join students' unions. According to information received, on 25 December 1999, around 100 students at Wadi al-Neel University, Atbara, were dismissed because of their political opinions. Some of them were reportedly subjected to arbitrary detention or ill-treatment. Their names were reflected on a list which was handed to the Sudanese authorities. Similar incidents were reported in June (in particular at the University of Sinar, Blue Nile) and August 2000.

C. Khartoum bombings

78. In his previous reports, the Special Rapporteur devoted considerable attention to the case of the 27 southerners accused of participation in the Khartoum bombings. He was therefore relieved to learn that the President had pardoned all of the accused on 6 December 1999.

D. Harassment of humanitarian workers

79. During his stay in Khartoum, the Special Rapporteur learned with concern of several cases of harassment of United Nations staff. It was reported that both Sudanese and international staff were being harassed with regard to entry and exit visas, routine flight clearances and travel permits, and communications equipment in vehicles in the field. It was reported that, in 1998, two local United Nations staff, one from UNICEF and the other from the World Food Programme had been arrested in Juba, kept in incommunicado detention and tortured after they had worked with children who had been abducted by the Lord's Resistance Army (LRA). The two staff members had to be reassigned. The Special Rapporteur learned that the situation has now improved.

VII. Conclusions and recommendations

80. The Special Rapporteur wishes to reiterate the conclusions and recommendations resulting from his mission, as contained in paragraphs 9 to 38 of the note by the secretariat (E/CN.4/2000/36). He also wishes to make a number of additional remarks regarding more recent developments.

A. Respect for human rights and humanitarian law in the conflict

81. Military hostilities have undergone a dramatic escalation over the past few months, during which both parties to the conflict continued to commit ceasefire violations on an unprecedented level and to the extent that the unilateral ceasefire commitments were not renewed after they had expired on 15 July 2000. The Special Rapporteur considers that, while the Government and SPLA exchange accusations, it is the civilian population, in particular women and children, who suffer the consequences of this long war which now enters its eighteenth year. The recent intensification of hostilities has taken a heavy toll on human life and caused much suffering, including even greater forced displacement, seriously jeopardizing humanitarian assistance and gravely overshadowing the prospects for peace.

82. The Government continued its systematic policy of bombing civilians and civilian installations, which resulted, inter alia, in the death of the 14 children in Kaouda. It is possible that the outcry that followed that incident contributed to the President's decision to announce a halt to all aerial bombardment. Nonetheless, shortly thereafter, incidents intensified: in July at least 33 bombing incidents were reported, while in August relief agencies were also targeted, thus leading to the decision by the United Nations to suspend all flights. It was estimated that 45 people had died and some 230 had been injured as a result of the bombings.

83. The Special Rapporteur appreciates that, in its response to the note by the secretariat (E/CN.4/2000/36), the Government of the Sudan, in an effort to comply with international humanitarian standards on the protection of the civilian population, stated that the standing order of the air force pilots was to disregard all bombing instructions if it became clear to the pilot that the targeted areas were civilian installations, or occupied by civilians, or if there were civilians in the area. It further explained that unfortunate and unintended incidents did take place on rare occasions, as had been the case with the Kaouda school on 8 February 2000. The Special Rapporteur, however considers this explanation to be inconsistent with the number and frequency of the aerial attacks against civilian and humanitarian targets. Rather, it appears to be a consistent policy and the Special Rapporteur must therefore conclude that the Government is committing serious violations of international humanitarian law.

84. At the same time, the Special Rapporteur wishes to underline the responsibility of SPLM/A for military actions taken in violation of the ceasefire, such as the capture of Gogrial and the intensification of military activities, mainly in Bahr el-Ghazal.

85. Gravely concerned about the constant disregard by both parties of their own commitments and lack of observance of human rights principles and humanitarian law, the Special Rapporteur is strongly convinced of the need to promote new follow-up mechanisms within the framework of the peacemaking process. In this connection, he fully endorses the recommendations contained in the statement dated 19 July 2000 of the co-chairs of the IGAD Partners Forum, Oslo and Rome, in which they: urged the Government of the Sudan and SPLM/A to renew their ceasefire as at 15 July and reiterated their appeal for a comprehensive and effectively monitored ceasefire; and urged the parties and the mediation structure to work to that end as part of a negotiated solution to the conflict. In their statement, the co-chars expressed the support of the IGAD partners for the IGAD peace process for the Sudan, based upon its Declaration of Principles and in accordance with the principles and objectives embodied in the charter of the Organization of African Unity. They also underlined the need to include all relevant Sudanese parties and neighbours in an active engagement with a view to bringing an end to the conflict, and to coordinate efforts in order to achieve peace in the Sudan with the ultimate goal of an all-embracing process that will lead to a comprehensive settlement.

86. In the same spirit, the Special Rapporteur wishes to acknowledge the importance of the tripartite agreements reached by the two parties and the United Nations for the delivery and protection of humanitarian assistance. In particular, he wishes to highlight the imperative need to apply fully the Agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War-Affected Civilian Populations, signed by the Government, SPLA and the United Nations Operation Lifeline Sudan, on 15 December 1999.

87. The Special Rapporteur wishes to draw special attention to the plight of the internally displaced persons whose number has further increased as a result of the recent intensification of the conflict, inter alia, in Bahr el Ghazal, Upper Nile, Kassala and Eastern Equatoria. In view of the complexity, dimensions and long-term consequences of this vast human drama, it is essential for all concerned to undertake urgent and concrete action in order to prevent further displacement, to address and alleviate present needs and to envisage long-term policies in terms of lasting solutions. In this regard, it is imperative for the Government and all parties concerned to apply the Guiding Principles on Internal Displacement which, although not binding, have gained international standing and authority.

B. Constitution and transition to democracy

88. The Special Rapporteur regrets that, despite the existence of a more favourable political environment,

cases of arbitrary execution, torture, arbitrary detention, attempts against the freedom of the press and other violations of individual human rights continue to be brought to his attention. He is, therefore, very concerned about the lack of official action to investigate and sanction such abuses.

89. As for legislation on juveniles, the Special Rapporteur invites the Government to consider raising the minimum age of criminal responsibility.

90. Concerning discussions on the most recent legislative developments, the Special Rapporteur, in spite of the Government's clarifications, remains concerned about the new National Security Forces Act, since it is often during the initial period of detention that persons suffer abuse. The Special Rapporteur trusts that the Government will ensure, through appropriate measures, including reform of the law, that all detainees are brought before a judge without delay.

91. The Special Rapporteur is following with particular interest political developments that reveal a new dynamism in the relationship between the Government and the political opposition, especially in northern Sudan. He strongly believes that such developments should not be viewed in isolation but should, in order for them to acquire any real significance, be evaluated in light of the inextricable link between peace, democracy and human rights. Hence, his concern that the foreseen elections may be merely a token arrangement unless they take place as the result of a solid process of system-wide global consultations within a genuine framework of respect for the rights of all parties and political forces involved.

92. In this connection, the Special Rapporteur wishes to reiterate the conclusions and recommendations contained in the above-mentioned note by the Secretariat, in particular the need to guarantee the independence of the judiciary, and to ensure the control of the security organs and the existence of a system of checks and balances. Also, he wishes to reiterate his recommendation that the emergency legislation should be revised in accordance with the stated will of the Government and in full conformity with international human rights standards. On the same grounds, the Special Rapporteur believes that the Government must consider lifting the state of emergency.

Notes

[1] *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/3), chap. II, sect. A.

[2] On 29 April, the Government had unilaterally declared a ceasefire for a period of three months, through 15 July. On 8 May, SPLM/SPLM issued its unilateral declaration of a ceasefire, also for a period of three months.

[3] Statement by IGAD Ministers, Brussels, 30 June 2000.

[4] Didingas are concentrated around Chukudum and number some 120,000. The area around Kapoeta, Eastern Equatoria, is inhabited by the Toposa.

[5] The amendments called for the creation of the position of Prime Minister who, although appointed by the President, would be accountable to Parliament. They also called for direct elections of the state governors, currently appointed by the President, and would make their dismissal contingent upon parliamentary approval.

[6] At the time of the Special Rapporteur's visit in February 1999, there were 964.

[7] Owing to space limitations, the cases have not been described in the present report.